
Pinkerton's National Detective Agency

AND ITS CONNECTION WITH

THE LABOR TROUBLES

AT

HOMESTEAD, PENN.

July 6th, 1892,

WITH

EXTRACTS FROM PROOFS BEFORE THE
JUDICIARY COMMITTEES OF THE U.S.
SENATE AND HOUSE OF
REPRESENTATIVES.

1892.

PINKERTON'S NATIONAL DETECTIVE AGENCY.

FOUNDED BY ALLAN PINKERTON, 1850.

ROBT. A. PINKERTON, NEW YORK,)
WM. A. PINKERTON, CHICAGO,) PRINCIPALS.

GEO. D. BANGS,
GEN'L SUPT.
NEW YORK.

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BOSTON, 42 & 44 COURT ST.,	- - -	JOHN CORNISH, SUPT.
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PHILADELPHIA, 441 CHESTNUT ST.,	- - -	E. S. GAYLOR, SUPT.
CHICAGO, 199 & 201 FIFTH AVE.,	- - -	FRANK MURRAY, SUPT.
ST. PAUL, GERMANIA BANK BUILDING,	- - -	C. M. WEBER, SUPT.
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PORTLAND, ORE., MARQUAM BLOCK,	- - -	H. W. MINSTER, SUPT.

ATTORNEYS FOR AGENCY AT NEW YORK:

MESSRS. SEWARD, GUTHRIE & MORAWETZ.



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THE LABOR TROUBLES

AT

HOMESTEAD, PENN.

In answer to numerous inquiries as to the connection of Pinkerton's National Detective Agency with the labor troubles and riots last July, at Homestead, Penn., we have prepared the following pamphlet, which may be interesting to those who desire to know the true facts in connection with this matter.

The employment of watchmen to protect private property is entirely distinct and separate from our detective bureau. This business of watching and guarding private property is extensively carried on in large cities in this country by many reputable concerns, and thousands of banks, residences, warehouses, offices, stores, shipping, &c., are thus protected and guarded by private watchmen. We submit this pamphlet to show that our acts in connection with strikes and labor troubles have been entirely legal, and when calmly and fairly investigated, will be upheld by all who recognize the right of the employers, whether individuals or corporations, to protect their property and the lives of their employees.

Our Agency has, at all times, preferred not to furnish watchmen in strikes and riots ; but we have felt that we could not consistently refuse to do so whenever the necessities of our clients have required the services of our employees. It may be that the calling out of the militia will hereafter prevent the destruction of property during strikes, riots, &c., and remove all necessity for private watchmen. Certainly this would be the most effective method of handling these troubles. A State constabulary or police, such as is now in Massachusetts, might afford some means of protection. Yet it seems probable that it will be necessary in the future to employ carefully selected watchmen to protect private property ; and the right of the owner thus to protect his property must ultimately be upheld by the courts and public opinion.

NEW YORK, December 7th, 1892.

ROBERT A. PINKERTON,
WILLIAM A. PINKERTON,
Proprietors of
PINKERTON'S NATIONAL DETECTIVE AGENCY.

UNITED STATES SENATE INVESTIGATION

OF THE

LABOR TROUBLES AT HOMESTEAD.

STATEMENT SUBMITTED BY WILLIAM A. AND
ROBERT A. PINKERTON.

NEW YORK, December 3d, 1892.

TO THE JUDICIARY COMMITTEE OF THE UNITED STATES
SENATE.

In connection with the testimony of Robert A. Pinkerton, we have prepared, by your direction, the following statement as to the nature of our business and the occurrences at Homestead, Pennsylvania, on the 6th of July, 1892.

It may be of aid to review, again, briefly the facts and circumstances immediately preceding the riots on the 6th of July.

During the month of June, 1892, it became probable that, upon the termination of the existing arrangement between the Carnegie Steel Company and its workmen, some disagreement would result as to the scale of wages. The Company owned an immensely valuable plant and had on hand large contracts and orders which required completion within a given time. The Company's officials knew from past experience—what the whole community knows—that in case they failed to agree or accede to the terms of their workmen and the dictation of the Amalgamated

Association, there would be a sudden and concerted cessation of work at a given signal or order and attempts made to prevent other labor from filling the vacant places. If the plants shut down until the strikers saw fit to return to work, or to permit others to fill their places, great and irreparable injury would result, involving the temporary abandonment to competitors of a trade and business which had taken millions of investment and years of labor to establish. On the other hand, the works could be operated without loss or cessation by the employment of non-union labor, of which there was an abundant supply, and which would certainly be attracted to Homestead by the exceptionally high wages paid by the Carnegie Company.

It was reasonable for the Company, in case of a failure to agree upon a scale of wages, to expect trouble with its employees and to anticipate attempts on the part of the latter by intimidation, coercion and force to prevent non-union men filling their places. Indeed, in view of similar strikes during the last thirty years, it would seem almost puerile to argue that the employers should have relied upon the offers and pretensions of the members of the so-called Amalgamated Association, and should have waited until their new workmen were attacked and assaulted and their property pillaged and destroyed before apprehending danger thereto or employing watchmen to protect them or calling upon the legal authorities for the enforcement of the law.

While the negotiations were pending with the Amalgamated Association, which in case of disagreement would inevitably result in a strike similar to that of 1889, the Carnegie Company applied to Pinkerton's National Detective Agency to ascertain if the Agency could supply, in case of necessity, three hundred watchmen. The reputation and responsibility of the Agency guaranteed to the Company the character and conduct of the men to be sent.

Before final arrangements were made or the watchmen had started from New York or Chicago, the Carnegie Company applied for protection to the High Sheriff of Allegheny County. He conceded, as we understand, that he would be practically powerless to handle such a large strike and to protect the lives of non-union employees if any attempt should be made to send any such workmen to Homestead. In or about Pittsburgh or Homestead no adequate force could have been obtained. The Sheriff then knew that the Company proposed to employ watchmen at their own expense to protect their property, and agreed to swear in these watchmen as deputies if that became necessary. The Agency refused to send any watchmen without the knowledge and approval of the local authorities, and they were sent upon the distinct understanding that the men should be duly deputized. There can be no dispute as to these facts.

As soon as the strike was declared, before any Pinkerton men had been sent from Chicago or New York, the so-called Advisory Committee of the strikers took possession of Homestead and placed pickets, guards and sentinels on the different streets and roads and at the works. The Advisory Committee virtually declared Martial Law and took possession and control of the property of the Company. It is true that they promised not to injure the Company's property, and to protect it, but it was ridiculously obvious that this promise of protection was coupled with the condition that the strikers should have their own way, and that the Company should not presume to employ any one without their consent. The Advisory Committee and the strikers trampled upon the law, defied the authorities, constituted themselves judges and denied to others the right to labor. It was then, and then only, that the final orders were given to send watchmen from Chicago and New York. In order that there may be no

doubt as to the correctness of this statement, we quote from the charge of Chief Justice Paxson, of the Supreme Court of Pennsylvania, to the Grand Jury of Pittsburgh in this connection :

“ It is alleged that the Advisory Committee did more than induce others not to accept employment from the Company; that it allowed no persons to enter the mills of the Carnegie Steel Company, and even permitted no strangers to enter the town of Homestead without its consent; that it arranged and perfected an organization of a military character, consisting of three divisions, with commanders, captains, etc.; the captains to report to the division commanders and the latter to report to the Advisory Committee; that a girdle of pickets was established by which the works and the town were guarded like a military encampment; that these pickets arrested every man who attempted to approach either the town or the works until he could give an account of himself which was satisfactory to the Advisory Committee; that all discussion of the wage question was positively prohibited; that all these and many other things were done to deprive the Company of the use of its property, and to prevent it from operating its works by the aid of men who were not members of the Amalgamated Association.

It was in this state of affairs that the Company, apprehending injury to its property and its possible destruction, applied to the High Sheriff of Allegheny County for protection. That officer made an effort to secure 100 deputies to go to Homestead on the afternoon of July 5th. He succeeded in getting about a dozen who, under the charge of a deputy sheriff, attempted to enter the works of the Company in order to protect them. They were driven off with threats and the authority of the sheriff defied. On the morning of July 6th the Company attempted to place 300 watchmen into the works. The men were selected by the aid of the Pinkerton Agency and were in charge of a deputy sheriff. Their business and their only business was to protect property of their employers. The landing of these men on the grounds of the Company was resisted by a large crowd of men, many of whom were armed. Guns, pistols and cannon were discharged at the watchmen, and the fire was returned by a portion of the latter. An attempt was made to destroy them by the rioters by the use of dynamite and burning oil. Finally, after a number had been killed and wounded on each side, the watchmen surrendered to the Advisory Committee,—at that time the only authority permitted

to be exercised at Homestead. Their treatment after their surrender has few chapters to equal it in savage warfare, notwithstanding the humane efforts of a portion of the committee to prevent it."

The conduct of the strikers prior to July 5th showed, beyond quibble or doubt, that they were determined, peaceably or forcibly, to take control of Homestead and the Carnegie Company's works, and to prevent the employment by the Company of non-union laborers, skilled or unskilled. Had they shown any intention or disposition to act as law-abiding citizens, the Company could have countermanded its order for watchmen. It was obviously to the interest of the Company to save the expense they were incurring for watchmen, which expense might last three months and involve an expenditure of over \$1,500 per day. As matter of fact, however, it would have been the extreme of folly to have relied on the good behavior of the strikers, for the Sheriff himself was defied, and the whole community of Homestead coerced and terrified, as the statement of Chief Justice Paxson clearly shows.

The acts referred to by Judge Paxson were done before there was any public suggestion or mention of the employment of Pinkerton watchmen, and the conspiracy which the Advisory Committee and strikers entered upon was for the avowed purpose of preventing workmen from entering the employ of the Carnegie Company and laboring for the exceptionally high wages which the Company paid. The strikers had no grievance or wrong to redress, no danger or peril to anticipate or guard against, except the advent at Homestead of other workmen, seeking employment for the support of themselves and their families and the high pay which the strikers had refused and spurned. Yet, it is urged that the Carnegie Company should have submitted to the authority of the Advisory Committee and

have accepted the protection and guard of the strikers themselves!

There was only one vital principle at stake in the contest between the Amalgamated Association and the Company, namely, whether the latter should be allowed to employ non-union men. This the Amalgamated Association and its Advisory Committee were determined to prevent, by force, if necessary. The Company refused to arbitrate its differences because its officials desired to manage their own business, and more particularly because, twice before, they had arbitrated, and the Amalgamated Association had refused to abide by the decision of the referees.

The Company then had either to submit to the strikers and abandon their private property and business until the strikers saw fit to permit them to resume, or else employ watchmen to protect their property and then offer employment to other workmen. The argument of the labor organizations is, that they should have adopted the former course of passive submission, and that a wrong was done to the strikers in the employment of the watchmen and the attempt to land them quietly at night upon the private property of the Company. It is amazing that any such argument should receive the sanction and approval of respectable people. As Chief Justice Paxson says:

“ We can have some sympathy with a mob driven to desperation by hunger, as in the days of the French Revolution, but we can have none for men receiving steady employment at exceptionally high wages in resisting the law and in resorting to violence and blood-shed in the assertion of imaginary rights, and in entailing such a vast expense upon the taxpayers of the Commonwealth. It was not a cry of ‘ bread or blood ’ from famished lips or an ebullition of angry passions from a sudden outrage or provocation. It was a deliberate attempt from men without a grievance to wrest from others their lawfully acquired property and to control them in their use and enjoyment of it. * * *

It is much to be feared that there is a diseased state of public opinion growing up in regard to disturbances of this nature,

and that a confused, if not erroneous, view of the law bearing upon these questions has found a lodgment in the public mind. This is evidenced by the comments of a portion of the press, and in the utterance of demagogues who pander to the mob, and of politicians who hunger for votes. It finds expression in sympathy for men, who, without a recognized grievance, trample upon the law, and the rights of others, yet have no sympathy for the outraged law, or the laborer who is beaten and sometimes murdered in his efforts to seek honest employment for the support of his family * * *

The company had the undoubted right to protect its property. For this purpose it could lawfully employ as many men as it saw proper, and arm them, if necessary. Many of our banks and other places of business are guarded by armed watchmen. The law did not require it to employ as watchmen the men from whom it anticipated the destruction of its works. When a man seeks to protect his house from burglars it would be unreasonable to require him to place the burglars in possession for that purpose. So long as the men employed by the company as watchmen to guard and protect its property, acted only in that capacity, and for that purpose, it mattered not to the rioters, nor to the public, who they were nor from whence they came. It was an act of unlawful violence to prevent their landing upon the property of the company. That unlawful violence amounted at least to a riot on the part of all concerned in it. If life was taken in pursuance of a purpose to resist the landing of the men by violence, the offense was murder. * * *

The rights of the men, as before stated, were to refuse to work unless their terms were acceded to, and to persuade others to join them in such refusal. But it will sustain them no further. The moment they attempted to control the works, and to prevent by violence, or threats of violence, other laborers from going to work there, they placed themselves outside the pale of the law, and became rioters. It cannot be tolerated for a moment that one laborer shall say to another laborer, 'You shall not work for this man or that wage without my consent,' and thus enforce such command by brutal violence upon his person. And what will not be permitted to one man to do will not be permitted to an organization of men. * * * The law should be so enforced from the Delaware to the Ohio, that the humblest laborer can work for whom he pleases and at what wage he sees fit, undeterred by the bludgeon of the rioter or the pistol of the assassin. * * *

We have reached a point in the history of the State where

there are but two roads left to us to pursue. The one leads to order and good government, the other leads to anarchy. The one great question which now confronts the people of this country is the enforcement of the law and the preservation of order."

The men we sent were carefully selected. More than two-thirds were well-known to us and our superintendents, for they were either in our employ at the time, or had previously been employed by us as watchmen in similar work. We felt that these men could be thoroughly trusted for integrity and sobriety. The remainder were men recommended to us, and their written applications and references are on file in our office.

Our men were sent at night by barge in order to prevent a breach of the peace. It was hoped and expected that they would land upon the private property of the company without the knowledge of the strikers. Had it been known that the strikers would fire on the barges, the men in charge would have refused to start from Pittsburgh, and no attempt would have been made to go to Homestead unless under the orders and command of the Sheriff, and after our men had been duly deputized.

The arms were sent from Chicago to the Union Supply Company at Pittsburgh. It was our desire and understanding that the boxes would be placed inside the Works of the company and there distributed to our men, if necessary, after they had been sworn in as deputies. They were not shipped to Homestead before the arrival of the watchmen, because the strikers had possession of the place, and would have prevented the delivery of the arms and probably confiscated them if sent by rail. The arms were sent on the barges because they could not otherwise be landed or delivered at the property. Had the arms been sent by rail, as was originally intended, our men would have been abso-

lutely defenceless on the barges. Our instructions were that our men should not be armed, unless they were first sworn in as deputies by the Sheriff of Allegheny County, and the men would not have been sent, under any consideration, unless the Sheriff had distinctly promised to deputize them. In nearly every strike, our men have only carried arms after having been deputized by the legal authorities.

The Sheriff sent his deputy, Colonel Gray, to accompany our men. It was distinctly promised that, upon the first sign of trouble, they would be sworn in. Before the barges reached the works at Homestead, firing commenced from the shore. Hinde, a capable and responsible man, who had been in our employ for ten years, was in charge of the watchmen. As soon as the firing began, he applied to Gray to swear them in, but Gray refused, saying that it would be time enough when they got to the Works. As soon as the barges passed the bend in the river and approached the bank of the private property of the Carnegie Company, Gray again was appealed to for the purpose of having the men duly deputized. He repeated that it would be time enough when our men landed. It was not until after Gray had been thus twice requested to comply with the Sheriff's promise that any arms were distributed, Twelve rifles were handed to some of our most reliable men. An attempt was then made to place on the bank a gang plank from one of the barges. The strikers at once renewed their attack by firing upon the barges. At this fire, six of our men were injured, including Hinde, who was hit by two rifle balls, and Klein, who was killed. Prior to this not a single shot had been fired from the barges.

The attack was made, not because the strikers were suddenly excited or exasperated at the presence of our men, but because they believed the barges contained non-union laborers. No one on the shore knew

that they were Pinkerton men. They were called "scabs" and "black sheep." Deputy Sheriff Gray left on the tug "Little Bill," and stated that he was going to get instructions from the Sheriff. Several hours afterwards, the tug endeavored to return to the barges, but was fired upon and driven back by the mob on the Carnegie property. It was after this that Cooper, who had taken command in Hinde's place, hearing the cries and yells against the "scabs," stepped forward and explained that there were no non-union men on board, but merely Pinkerton watchmen. Prior to this, the mob believed that they had been attacking non-union men coming to take their places. Indeed, when our men surrendered, their hands were examined to see if they were not mechanics.

The labor leaders are constantly attacking the character of the men employed by our Agency. * * * We know of no complaints on the part of our employers as to the integrity, sobriety and behavior of our watchmen engaged in these strikes. None of our watchmen have, so far as we know, ever been convicted of a crime. Mr. Powderly, who is at the head of the Knights of Labor, charged that we employ men of bad character, although he admitted that none of our men have ever been convicted of a crime. His testimony before the Judiciary Committee of the House of Representatives would not have been permitted in a court of justice, and its falsity would have been easily shown had he been cross-examined by any one familiar with the facts. A few examples will show this. Thus,

1. Mr. Powderly stated that an alien named Adolph Polletschek "was engaged by our agent, who made no inquiry as to who or what he was." When employed by us, Polletschek spoke English fluently; stated that he was a

citizen of the United States; said that he was a member of a prominent Democratic organization in the City of New York, and that he had resided there for thirteen years. He further represented his trade as that of a clothing cutter, and stated that he was compelled to leave his previous employment because he was a non-union man. He referred to a reputable firm of cloak manufacturers in this city. We have in our possession his application for employment in his own handwriting, certifying to the above.

2. It was further charged that our men wantonly and recklessly fire upon bystanders, and in support of this assertion Mr. Powderly cited the injury to John McCarthy, August 16, 1890, during the New York Central strike. As matter of fact, we can show by credible witnesses that McCarthy was an iron moulder by trade; that for two or three days before the shooting he had been seen throwing stones at the brakemen and watchmen upon passing trains; that the day before the shooting he had been seen with a revolver in his possession; that immediately before the shooting he flung a stone which hit one of the watchmen; that the firing was done by one of our men *who was a sworn deputy sheriff*, and that he did so because the lives of the brakemen and watchmen on the train were in peril, and it was his duty to protect them. At the place where the shooting occurred, a great many strikers were gathered, abusing the brakemen and watchmen (all of the latter being deputy sheriffs), and throwing stones at them. The cars were going down a heavy grade to the New York Central bridge crossing the Hudson River at Albany, and it was a matter of life and death for the brakemen to be at their posts and to have the train under control in order to prevent the train running into the Hudson River. During this strike, several freight cars were cut loose from the rest of a train by strikers and started down this

incline, and if it had not been for the heroism of a non-union man named Jones, who at the risk of his life jumped on the passing cars and applied the brakes, they would have been thrown from the bridge into the draw, which was open. At the time, the Troy boat, full of passengers, men, women and children, was passing through the open draw; and had the purpose of the parties who committed this fiendish act been accomplished, the loss of life would have been fearful.

In another instance, during the same strike, the strikers attempted to wreck the Chicago express going down a steep grade into West Albany, and would have succeeded in killing or maiming a great number of passengers if one of the railroad ties, with which the obstruction was made, had not been rotten. Obstructions were repeatedly placed on the tracks by the strikers, and in one instance a train of palace cars, filled with sleeping passengers and running at a high rate of speed, was thrown down a steep embankment. One of the strikers, Thomas Cain a knight of labor, was afterwards convicted on his plea of guilty for putting obstructions on the track during this strike, and confessed that he and John Kieran, another knight of labor, were the guilty parties in the attempt to wreck the Chicago express. These facts can be proved by numerous witnesses, and Cain's confession is in the possession of the District Attorney of Rensselaer County. Cain further testified that he had been furnished money by Master Workman Lee, who conducted this strike, to enable him to escape.

3. Mr. Powderly then stated as follows :

“ Was it not proved that the Pinkerton agents made efforts to induce men to place obstructions on the tracks during the Chicago, Burlington & Quincy strike ? ”

This malicious and preposterous statement is absolutely without foundation, and Mr. Powderly knew this when he

sought to impose on the Committee of the House. As matter of fact, members of the Brotherhood of Locomotive Engineers confessed to the crime of placing dynamite on the tracks and turned State's evidence, and it was on their testimony that their companions were convicted.

4. Mr. Powderly also stated as follows :

“During the continuance of the Denver & Rio Grande strike, some years ago, we employed watchmen to watch the Pinkerton watchmen, and discovered them in the act of placing dynamite on the tracks. I believe you will have no trouble in securing this evidence.”

This is equally false, and must have been made deliberately for the purpose of prejudicing and misleading the Committee; because none of the watchmen of the Pinkerton Agency were employed during this strike on the Denver & Rio Grande. It is, however, singular that if the strikers discovered and witnessed any such acts, they did not have the men arrested and prosecuted. Certainly, there was no possible reason why they should refrain from punishing our watchmen.

5. Mr. Powderly further said in his statement to the House Committee :

“Who is to prove that it was not a ‘paid agent’ of the Pinkerton Agency who placed the explosive in the mould during the strike at the Chicago Stove Works?”

Yet Mr. Powderly must have known what everybody familiar with the matter knew at the time—that the offence was committed by one of the strikers; that he was an old member of the Stove Workers and Moulders’ Union, and that he was arrested, pleaded guilty and was sent to the penitentiary for his crime.

6. Mr. Powderly also stated :

“During the stone-cutters’ strike in New York, Pinkerton watchmen were on guard when the acid was poured on the

rope. Why were they not watchful enough to do detective duty then and arrest the perpetrators of the dastardly deed? Is it not wonderful that the alleged damage is discovered, just before the final catastrophe takes place, by the Pinkertons?"

The facts were that no Pinkerton men were employed or connected in any way as watchmen or detectives in the stone-cutters' strike in New York at the time in question. In order to kill non-union men, certain parties, believed to be strikers, unwound a part of the rope of a windlass, and during the night poured acid on the rope and then re-wound it, so that the next day non-union men might be killed in ascending with the stone or by the falling stones.

Another late instance may be recalled in New York where a carman was killed by a striker for carting boycotted stone.

7. Mr. Powderly further charged that we employed a man named Webb, who was implicated in the murder of his wife. Webb was of good reputation previous to entering our employ, and he referred to, and was recommended by, some of the best residents of Queens County. It was claimed that his wife died of malpractice, and Webb was held as a witness against the doctor. The doctor was discharged, and Webb was not charged with the murder of his wife.

8. Mr. Powderly claimed that there were seven men killed by our employees at East St. Louis. As matter of fact, we were not engaged in any way in connection with the shooting on the East St. Louis bridge, and none of our watchmen were employed at that time by the company on this work.

9. In the Pennsylvania coke strike, the shooting was done by the regular deputies of the Sheriff, several days before our men arrived, and the deputies were engaged in defending lives and property, and repelling an attack upon themselves.

In regard to the matter of the James brothers in Missouri, to which Senator Vest also has referred, it may be stated that the woman injured was the mother of the James brothers, and the boy killed was their step-brother. These James brothers were notorious outlaws and murderers, and for years committed murder and robbery with impunity. The public will recall the condition of Western Missouri at this time. When the house in which these robbers lived was surrounded, none of the Pinkerton detectives or watchmen were present. It was afterwards shown that a ball of cotton, saturated with camphene, was lighted and thrown into one of the rooms of the James brothers (not a sleeping-room, as stated), in order to see who was present and to avoid injuring any one except the murderers. Some one came into the room (at the time it was said to be Mrs. James), picked up the ball and threw it into the fireplace, where a log fire was burning. This resulted in an explosion, injuring Mrs. James and killing the step-brother of the James brothers. The investigation made immediately after the occurrence showed that no hand-grenades were thrown and no shots fired. In any event, what was done was not done by our employees.

We could multiply the number of instances in which members of these secret labor organizations have committed crimes to aid their strikes or to revenge themselves upon their employers for not submitting to their terms. The reign of terror during the time of the Molly Maguires has not been forgotten, and it was through the efforts of the Pinkerton Agency that this famous organization was broken up and so many of its members hanged.

We have attached hereto a pamphlet issued by Mr. E. T. Jeffery, President of the Denver & Rio Grande Railroad Company, from which it will appear how insincere is the present cry of the labor leaders for compulsory arbi-

tration. In that case an engineer was discharged for insolence and disobedience. A committee, on which the engineer was represented, unanimously reported against him and sustained the action of the Company. The labor organization then threatened to strike. The Company offered to arbitrate, in order to avoid the great loss necessarily involved by a strike; but the labor committee, counting on the immense damage they could inflict, absolutely refused to submit to arbitration and ceased work. This occurred only a few weeks after the Homestead troubles.

The investigation by your Committee of this Denver & Rio Grande strike, and many similar occurrences, would show to what extremes of socialism and anarchy we must inevitably drift if the leaders of these secret labor organizations are to be given, by sanction of law, the power to dictate to employers.

It is undoubtedly true that the great majority of the members of these secret labor organizations are law-abiding and respectable, and that a small number only participate in these crimes. Yet it seems to us that the leaders in many instances are not sincere in their expressions of a desire to uphold law and order and to protect property. It cannot be reasonably doubted that, if labor organizations or their leaders honestly condemned outrage and force, they could readily discipline and control their own members, and we should no longer witness the scenes that attend nearly all strikes, and that are such a disgrace to labor in this country. Instead of being condemned, the outrages so committed are secretly applauded, and the guilty persons, if caught and indicted, are glorified as martyrs in the cause of labor.

We need only refer to a few editorials to show public opinion upon this point. Thus, in speaking of the Buffalo switchmen's strike (at which no Pinkerton men

were employed), the *New York Times* in the issue of August 16th, 1892, said :

“ When they resorted to arson and other crimes they forfeited all claim to sympathy or support, and justified the railroads in refusing to take them back on any terms. There is the usual plea that the mischief was done by ‘ outsiders,’ but there is sufficient evidence to hold the strikers responsible for it. In fact, there is said to be proof that it was deliberately planned by the Switchmen’s Union.

Such behavior as this takes all force out of the workingmen’s protest against the employment of Pinkerton men to protect property whenever and wherever there is a strike. If they showed themselves peaceable and law-abiding in their contests, there would be no excuse for employing protection of that kind, but when they demonstrate that a strike means that there is likely to be violence and destruction of property, they give employers the right to provide against it. The public authorities will not act until an actual outbreak occurs, and then much injury may be done before the lawlessness can be overcome. Every man has the right to protect his property and his business from violent and lawless attacks, and when workingmen show a disposition to resort to such methods they justify the employment of men to resist and repel them.”

In speaking of the same strike, the *New York Sun*, on the 17th of August, pointed out that, if license were to be given to the labor organizations, it could only end in anarchy. In the editorial published that day it was said :

“ If the strikers had failed to ‘ obey the laws of the union, they would have been cast out of the organization in short order and treated as ‘ scabs.’ When they violate the laws of the State and strike at the very foundations of civilized society, the union leaders have only mild words of reproof for them. They are not denounced as criminals. Their conduct is merely ‘ not countenanced ’ by their leaders. After they have perpetrated their savage atrocities they are told that they have not done wisely. So far as the union is concerned, they will go unpunished. They will laugh at Grand Master Sweeney’s righteous sentiments, for they know that his rebuke of them will end with mere talk.

During this Summer the strikes at Homestead, at Cœur d’Alène, and now at Buffalo, have been accompanied by murder, murderous outrages, and the wanton destruction of prop-

erty. Here in New York violent assaults have been made on non-union workmen, and scarcely a day has passed for a month past when such exhibitions of savagery have not been reported as occurring among strikers in some part of the Union. Yet no reports have come to us that organized labor has subjected any one of the perpetrators of these outrages to any sort of discipline because of his crime. The unions have seen the lawlessness, but they have done nothing to punish it. They hold their members in such complete subjection to their will that they compel them to throw up work though they themselves may have no grievances to complain of; but when their strikers have assailed life and property as barbarous anarchistic outlaws, they profess to have had no power to check the mob. At great expense to the State the militia has to be called out for the protection of society. If it had not been available, the rioters would have continued their depredations and extended and aggravated them. Order is preserved by military force. It is assailed by the union force. That force is not held in restraint by its own leaders. They boast of their discipline, yet they profess to be unable to prevent the lawless excesses of their followers. Only after the crimes have been committed and the militia are on the ground to preserve the peace is the anarchical business stopped."

It is pretended that there would be no acts of violence during these strikes if they were not caused by the Pinkerton men or the exasperation of the strikers at their presence. This was solemnly urged before the House Committee. Yet, shortly after the occurrences at Homestead, and whilst the labor leaders were professing that the whole trouble resulted from the employment of Pinkerton watchmen, the community was shocked by the outrages and the destruction of property at Cœur d'Alène and Buffalo. No Pinkerton watchmen were employed or were present at either of these strikes. The conduct of the strikers, however, was exactly similar to that at Homestead. They were determined to and did attempt to prevent the employment of non-union men. If your Committee will investigate those strikes, you will ascertain repeated acts of lawlessness on the part of the strikers, who did not hesitate to attack the militia.

The enmity which the labor organizations have against our Agency would exist against any persons attempting to protect the property of employers and the lives of non-union workmen. Whoever may be thus employed, whether private watchmen, or the police, or the militia, or the Federal troops, the animosity against them will be just as strong as is now shown against our Agency. It is undeniable that the feeling of the strikers against the troops at Homestead, Cœur d'Alène and Buffalo was bitter in the extreme, and that if the strikers had not been overawed by the large bodies of troops, the latter would have been also attacked. Indeed, for days it was expected that there would be conflicts between the troops and the strikers. At Buffalo, the strikers and their sympathizers stoned and abused the troops. The feeling among the labor organizations in this State against the militia for its part in the Buffalo strike is venomous and intense.

If, in answer to the demands of the labor leaders and demagogues, employers, whether corporations or individuals, are to be prevented from employing watchmen to protect their private property, we reach the point of anarchy and communism. It must be borne in mind that in large cities like New York, the police are so efficient that they can handle strikes without outside assistance; but that in communities where the majority of the inhabitants are in sympathy with the labor unions, and where the police force is small and inadequate, it is practically impossible to furnish the necessary police protection. It cannot be that a large police force is to be maintained all over the country to provide for these occasional emergencies and the community taxed to maintain them. It has been repeatedly shown that the Sheriff cannot afford protection through a *posse comitatus*. In such communities, therefore, the only other remedy, if watchmen cannot be employed, is by calling out the militia, which involves im-

mense expense to the State. It is evident that it is to the interest of the employer to rely entirely upon the protection of the police or the militia; for if such protection is effective, the expense is borne by the taxpayers, and not individually by the employer.

The leaders of these strikes always seek a time when the cessation of work may cripple and greatly injure the employer, just as at the present time arrangements are being attempted to be made for a gigantic strike next year, which may jeopardize the success of the World's Fair and will certainly greatly injure many large interests. Strikes without notice or warning have been frequent; and such strikes, if the employers are unprepared or not forewarned mean incalculable loss. The men abandon work at a given signal, usually without reasonable notice. If the labor unions forced their men to give reasonable notice of their intention to strike, there would be no occasion for employers of large numbers of men to have detectives among their laborers, in order to be advised and warned when to expect trouble, and the necessity for such detectives would no longer exist. But until such notice is given or made compulsory, the employer must, in order to protect himself, ascertain in some way or another when to anticipate and provide against the consequences of sudden strikes.

It was testified, we understand, before the House Committee, that our men were cowards, because they did not charge upon the crowd and take possession of the works. We are informed that they could have taken possession at any time before ten o'clock with fifty or seventy-five men. They had the arms and the ammunition. But they would have had to fire into the crowd, many of whom were women and children, and would have had to kill numbers of them. We marvel that they did not fire into the crowd in self-defence. Certainly, they would have

been justified in doing so. They simply aimed, where possible, at the men who were firing upon the barges. Many of our men refrained from firing, because they had not been deputized, and the Sheriff's deputy had abandoned them. But we shall ever be grateful that our men did not fire into the crowd in any attempt to take the works by assault, and that additional loss of life was thus avoided.

You have requested us to explain the history, nature and scope of our business. It is divided into two separate and distinct branches, although both are under the same management. The detective bureau has nothing whatever to do with the employment of watchmen. The detective business was founded in 1850, by the late Allan Pinkerton, the father of the present managers, and shortly afterwards he began to furnish watchmen for banks, private residences, warehouses, etc. The reputation of the agency grew and the business developed. During the war Allan Pinkerton acted as Chief of the United States Secret Service. Since his death in 1884, the agency has been continued by his two sons, the present managers. The organization is a simple copartnership, consisting of Robert A. Pinkerton, of New York, and William A. Pinkerton, of Chicago. The principal offices are at New York and Chicago, and there are six branches, viz., at Boston, Philadelphia, St. Paul, Kansas City, Denver and Portland, Oregon. The Chicago office and the Western branches are under the personal direction of William A. Pinkerton, and the New York office and Eastern branches are under the personal direction of Robert A. Pinkerton. The various branches are in charge of superintendents, who are known to us to be men of integrity and character, and who have been in our employ for from fifteen to twenty-five years.

The employment of watchmen to protect buildings,

stores, banks, docks, shipping, &c., is entirely distinct and separate from our detective bureau. The business of watching and guarding private property is extensively carried on in all the large cities by many reputable concerns, and thousands of banks, residences, warehouses, offices, stores, docks, shipping, &c., are thus protected and guarded by private watchmen. This branch of our business has been conducted since 1857.

Instead of applying to the ordinary employment agencies or advertising, business men prefer to contract with the Pinkerton Agency for watchmen, because they can rely upon the character of the men furnished and the responsibility of the Agency and have the benefit and advantage of its direct supervision. If all the detective agencies should abandon this branch of the business, the ordinary employment agencies or advertisements in the papers would have to be resorted to. We have never employed men as watchmen unless they were well known to us or our superintendents, or had satisfactory recommendations and references. We have employed and furnished hundreds of men in connection with about seventy strikes, and an investigation of our records would conclusively show the great care and thoroughness we exercise in selecting them.

The first strike at which we were employed was that of the miners at Braidwood, Illinois, in September and October, 1866; and in April, 1868, we furnished men at the same place. The next strike was in 1874, and during the last eighteen years we have been employed to protect private property in connection with seventy strikes, which is, of course, a very small percentage of the total number of strikes during that period in the United States.

Our employees have been opposed in all parts of the country to over one hundred and twenty-five thousand strikers, within the last twenty-six years, and in nearly every in-

stance our watchmen have been assaulted, stoned and abused for doing no other act than protecting private property and the lives of non-union laborers. And, in all that time, our men have killed only two persons, which cases were accidental, and in self-defence, and where our men had been deputized by the proper legal authorities, and upon trial were duly acquitted. We earnestly submit that these facts should prove conclusively that our men are selected with care; that they are of good character, and that they do not, as has been charged, wantonly and recklessly fire upon the strikers and mobs attacking them. It would, indeed, be extraordinary if we were not occasionally misled as to the characters of our men; we owe our comparative freedom from such mistakes to the care we have always exercised in their selection—a care well known and relied upon by the community who employ us.

We have always approved and sympathized with labor organizations when directed by honest, capable and conservative leaders. The law-abiding members have no quarrel with us, nor any grievance or cause of complaint against us. We have never violated any of their rights. Our detective branch may have sought to ascertain when they intended to strike; but it is only fair and proper that the employers should have this information. We have never clashed with the temperate and law-abiding members of these organizations. We have never done more than to protect the private property of the employers and the lives of non-union workmen from attacks by lawless members of the unions, whose acts tend to disgrace organized labor. We confidently assert that the decent and orderly members of these organizations deeply deplore and condemn such excesses as were committed at Homestead, Cœur d'Alène and Buffalo, and we venture to predict that ultimately the great body of laboring men in the

country will recognize that it is to their interest to insist on the enforcement of the law, and the preservation of order, and that all in this country must be guaranteed the absolute and free right to protect their private property and to work for whom they please, at such wages as they see fit.

The bitterness of the unions against employers and non-union men, and the increasing lawlessness at strikes have rendered the work of supplying watchmen extremely dangerous and undesirable; and for that reason we prefer not to furnish watchmen in such cases, although formerly we solicited this work.

We have not been able to procure a copy of the testimony taken by your Committee, and we only know from garbled and prejudiced statements in the press, what has been testified by other witnesses. We court the fullest investigation of our actions. Had we been given the opportunity to have our counsel cross-examine the witnesses who testified against us, we could have shown how false and unfounded were their accusations. It seems grossly unjust that the man Bruce in Chicago should be permitted to slander us and all the detectives in the United States with impunity, under cover of testifying before your Committee and the pretence of aiding you to ascertain the truth.

As requested by the Committee, we shall submit the opinion of our counsel, Messrs. Seward, Guthrie & Morawetz, of New York, under whose advice we have acted throughout this whole matter.

Very respectfully,

WILLIAM A. PINKERTON
and
ROBERT A. PINKERTON.

UNITED STATES OF AMERICA, }
 Southern District of New York. }

ROBERT A. PINKERTON, being duly sworn, deposed and said that he had read the foregoing statement and knew the contents thereof, and that the same was true to the best of his knowledge and belief.

ROBERT A. PINKERTON.

Subscribed and sworn to before me }
 this 5th day of December, 1892. }

ARTHUR L. KENT,
 Notary Public in Kings Co.,
 Cert. filed in N. Y. Co.



DENVER AND RIO GRANDE RAILROAD CO.

OFFICE OF PRESIDENT AND GENERAL MANAGER.

The following is a statement of the facts leading up to the strike of Engineers, Conductors, Firemen and Brakemen on the Second Division of the Denver & Rio Grande Railroad, inaugurated at 7 a.m. on October 15th, 1892:

On August 22d, 1892, the following order regarding fast freight trains No. 61 and 64 was bulletined by the Division Superintendent, Mr. R. M. Ridgway:

SECOND DIVISION.

BULLETIN, No. 23.

SALIDA, COLO., August 22, 1892.

CONDUCTORS AND ENGINEMEN, SECOND DIVISION:

Train and Enginemen on trains 61 and 64 must not detain their trains to get meals at Malta or Glenwood.

On leaving terminals you must go prepared to go through, as these trains must make time.

(Signed) R. M. RIDGWAY,
Superintendent.

This was bulletined for the information of employes at the terminals of runs on the Division.

On August 24th, two days after the issuance of the bulletin order, Engineer William Gordon was listed to take west-bound California fast freight train No. 61, from Minturn to Grand Junction. As the train was ready to leave Minturn, Engineer Gordon called the Trainmaster, who was in Minturn, upon his engine and informed him that unless bulletin order No. 23, relating to detentions of trains 61 and 64 at Malta and Glenwood by train and enginemen taking meals, was recalled, he would not leave Minturn with the train. He used violent language, and stated he "did not care a damn if he never worked another minute," he would not go out until the order was recalled, and told the Trainmaster to go to the office and repeat this to Division headquarters. This the Trainmaster did at once. In order to avoid contention and disarrangement of the train service, the Division Superintendent, on being advised by telegraph of the situation, directed the Trainmaster to remove the order from the bulletin board, and train No. 61 was then taken out by Engineer William Gordon.

An investigation into the action of Mr. Gordon was ordered by the General Superintendent, and was held at Salida at 10.30 a.m., October 3d, at which were present the following persons, constituting the Board of Investigation:

R. M. Ridgway, Division Superintendent, Chairman,
 A. W. Jones, Division Master Mechanic,
 J. E. Barnes, Traveling Engineer,
 G. H. Barnes, Trainmaster,
 I. G. Baker, Locomotive Engineer (selected by Mr. Gordon).

The following is a verbatim transcript of the proceedings of the Investigating Board:

Mr. Ridgway—Gentlemen, this meeting is called for the purpose of investigating the case of Engineer William Gordon refusing to leave Minturn until Bulletin No. 23 was recalled.

The following letter from Trainmaster Barnes was read, as well as Bulletin No. 23, copy of which will be found above:

SALIDA, COLO., September 8th, 1892.

MR. R. M. RIDGWAY,

Supt. Salida, Colo.

DEAR SIR:—On August 24th, as train 61 was getting ready to leave the yard at Minturn, Engineer William Gordon called me up on his engine and informed me that the bulletin in regard to eating on trains 61 and 64 at Glenwood and Malta must be recalled before he would leave the yard. He said that no fireman could fire a hog from Grand Junction to Minturn for him without having something to eat on the road, as they couldn't stand it. He also said that he didn't care a d—n if he never worked another minute, he would not go until it was recalled, and for me to go in office and tell them so, which I immediately done.

Engineer George Gordon was present and expressed his displeasure, but not in such a positive and violent manner as William Gordon.

I only said to them that if they had used a reasonable length of time at these points to eat in, the bulletin would never have appeared. Afterwards in conversation with Geo. Gordon I said that enginemmen, in fact the whole train crew, were eating too long, and that these trains were important and all should take an interest in making good time with them, and on account of our inability to do so we were losing freight.

G. H. BARNES,

Trainmaster.

Mr. Ridgway.—Please give us the dead time of these trains.

Answer.—61 has 20 minutes at Malta and 15 minutes at Glenwood. 64 has 17 minutes at Glenwood and 18 minutes at Malta.

G. H. Barnes.—This letter is correct, is it not, Mr. Gordon?

Mr. Gordon.—It is correct.

Mr. Ridgway.—Then Mr. Barnes' report of the case is correct, is it, Mr. Gordon?

Mr. Gordon.—As near as I can remember.

Mr. Ridgway.—I think you should remember whether or not you said you did not care a damn whether you worked for the Company or not, and that you would not go out until the bulletin was recalled.

Mr. Gordon.—I was pretty warm under the collar and thought the bulletin was unjust, and probably I said it.

Mr. Ridgway.—I do not think it unjust. We do not want to deprive the men of a chance to get something to eat, but we want to get our trains through on time.

Mr. Gordon.—I would like to ask for a little information. I would like to know if when I come out of Grand Junction late and get to Glenwood I am allowed the 17 minutes if I am behind time.

Mr. Ridgway.—Certainly.

Mr. Gordon.—I have got to oil around the engine myself and take water, and that takes considerable time.

Mr. Ridgway.—Your fireman can oil one side.

Mr. Gordon.—I have been in the habit of carrying a lunch with me. I have a family in Minturn. Sometimes I do not carry one out of Grand Junction as I have to have it put up at a restaurant. I will tell you my reasons. If we come out of Grand Junction with a lunch, when we can get to Minturn there is no restaurant open where we can get anything to eat, and the fireman is in no condition to fire an engine on an empty stomach, as he is compelled to do when we come out of Grand Junction and catch the run to Aspen, and he cannot get anything to eat without losing a lot of sleep.

Mr. Ridgway.—You will admit that it is not very hard work to fire from Minturn to Glenwood.

Mr. Gordon.—Yes, sir; but the hard work is from Glenwood to Aspen, on train 65.

Mr. Ridgway.—I do not know why our employes should not carry a lunch.

Mr. Baker.—Of course, a man has time enough to eat on the dead time shown on card. I do not think that Mr. Gordon took the right means to have this bulletin cancelled. If he thought it was obnoxious, he should have had one of the men come over and see Mr. Ridgway. I think Mr. Gordon used rather unbecoming language in regard to having the bulletin recalled.

Mr. Gordon.—I would like to say further that I did not think that the bulletin was just. I wanted to live up to instructions, but I did not see how we could with this bulletin. I do not like to have a fireman fire an engine for me on an empty stomach. I told the trainmen that we did not want to run this thing into the ground. I know that there has been lots of unnecessary delays at Glenwood, but I claim that I have not caused them.

Mr. Baker.—You say that you were not making a personal complaint, but that it was made for the fireman. I think that the fireman should be able to fight his own battles.

Mr. Gordon.—If the fireman cleans his ash pan and takes coal at Glenwood, it takes about all the time allowed there. I have often cleaned the ash pan myself for the fireman. I think the bulletin was an imposition on the fireman more than on me. If the fireman cleaned the ash pan and took his own coal, he would not have time to eat. If we could eat at Minturn, it would be a whole lot different; and they can not get sleep.

Mr. Jones.—Even if it was so, it does not justify you in disobeying orders.

J. E. Barnes.—I think Mr. Gordon did exceedingly wrong in refusing to go out until the bulletin was recalled, even if it was obnoxious to him. I was in Minturn, but did not hear the conversation. The Trainmaster told me that Gordon refused to go out until the bulletin was recalled.

Mr. Jones.—This appears to be a clear case of insubordination.

Mr. Gordon.—Supposing I took a lunch with me; do you suppose I would be attending to my business while I eat it? I know that the fireman could not do it.

Mr. Ridgway.—I think a man can eat on an engine as well as he can take out a cigar and light it and smoke.

Mr. Baker.—Could not the head brakeman relieve the fireman for a few minutes while he ate his lunch?

Mr. Gordon.—I would not like to eat while going through Glenwood Canon. I usually hang out of the window while going through there. I have never struck any rocks there; perhaps it is because I am lucky.

Mr. Ridgway.—Well, Mr. Gordon acknowledges he refused to go out and that he said what the Trainmaster states in his letter.

G. H. Barnes.—There were no messages in regard to the matter. I was at the key myself talking with the Dispatcher and told him that Gordon refused to go out until the bulletin was recalled.

Mr. Baker.—I think you should have had some representative man come to see Mr. Ridgway about the matter. Mr. Ridgway is a pretty reasonable man about letting men eat.

Mr. Gordon.—I scarcely ever go over the road but what there is from two and a half to four hours' delayed time. I never get any letters in regard to it.

Mr. Baker.—Perhaps the engine does a little fast running and covers some of it up.

Mr. Ridgway.—I presume that these delays are doing local work and meeting trains, and are so reported by the conductors.

Mr. Gordon.—Well, so far as I am concerned, I do not want to answer for the shortcomings of other men on the road, but I am willing to suffer for my own. I have always tried to work for the interests of the Company, and do not think that anybody can say that I have not. Of course, I did wrong in acting as I did about this business, but at the time I thought I did right, as I did not think a man capable of doing his work on an empty stomach.

Mr. Ridgway.—I believe that this is all, gentlemen, unless you have something more to say on the subject.

FINDINGS :

Engineer Gordon acknowledges having used the language in his conversation with Mr. Barnes at Minturn, as reported, and that he refused to obey the bulletin order or go out until it was recalled.

A copy of the proceedings of the Board of Investigation was forwarded to the General Superintendent on October 4th, with the following letter of transmission, signed by Mr. R. M. Ridgway, Superintendent of Division, and Mr. A. W. Jones, Master Mechanic.

SALIDA, COLO., October 4th, 1892.

MR. N. W. SAMPLE,

General Superintendent, Denver.

DEAR SIR:—Herewith we return all papers in case of Wm. Gordon, engineer, with report of the investigation attached.

You will note that Engineer Gordon acknowledges having used the language as reported by Trainmaster Barnes, also that he refused to obey the bulletin order or go out on train 61 of August 24th until it was recalled.

This is a case that merits dismissal from the service, and we would recommend that it be done.

Yours truly,

(Signed.) R. M. RIDGWAY,
Superintendent.

(Signed.) A. W. JONES,
Master Mechanic.

The General Superintendent in considering the matter gave due weight to the previous record of Engineer Gordon, and in consideration thereof, overruled the recommendation of the Division Superintendent and Master Mechanic, and directed that Engineer Gordon be suspended for thirty days, as set forth in the following letter to Division Superintendent Ridgway:

DENVER, COLO., October 7th, 1892.

R. M. RIDGWAY, Esq.,

Division Superintendent, Salida, Colo.

DEAR SIR: Your favor of the 4th inst. attached to report of investigation in the matter of Engineer Wm. Gordon refusing to obey bulletin order on August 24th, or to go out on train No. 61 until it was recalled, received.

While the discipline recommended is perhaps proper for the offense, in consideration of his long service and previous record (which is above the average), I think thirty days' suspension will serve to keep him reminded of his conduct on this occasion, and you will please notify the Master Mechanic to this effect, who will send the usual papers in the case to this office.

Yours truly,
(Signed.) N. W. SAMPLE,
General Superintendent.

In conformity with the order of the General Superintendent, Engineer William Gordon was notified of the decision, his suspension taking effect from October 2nd, the day

he was taken from his run pending investigation and decision.

The care taken to obtain all the facts, and in a calm and judicial spirit take action in the case, is illustrated by the deliberation and patience shown in the action of the officers as above outlined.

The case was taken up by the employes of the Second Division, and apparently secret meetings were held, and at 2:10 o'clock on the morning of Saturday, October 15th, the following message was received by General Superintendent Sample, at his residence in Denver:

MINTURN, COLO., Oct. 14th, 1892.

MR. N. W. SAMPLE,

General Superintendent D. & R. G., Denver.

By action of employes taken at a Union meeting at Minturn, October 7th, we as a committee hereby request the reinstatement of Engineer William Gordon and full time from the date of his suspension. This matter to be made known by a bulletin being posted at Salida, Leadville, Minturn and Grand Junction. This bulletin to be conspicuously posted by 7 o'clock a. m., October 15th, and unless such bulletin is posted by such time, we as the engineers, conductors, firemen and brakemen positively refuse to handle trains on Second Division after 7 o'clock a. m., October 15th.

By order of

(Signed.)

COMMITTEE.

In accordance with the threat expressed in the telegram the engineers, conductors, firemen and brakemen of the second division which extends from Salida to Grand Junction, abandoned and refused to take out their trains at seven o'clock in the morning of the same day (the 15th of October, 1892,) and no trains have moved over the division since that time. As early as practicable after receipt of the above, and on the morning of the same day, the General Superintendent telegraphed to Superintendent Ridgway and Master Mechanic Jones, as follows:

DENVER, COLO., October 15th, 1892.

R. M. RIDGWAY, A. W. JONES,

Salida.

At two ten this morning, much to my surprise, the following message was delivered at my house:

MINTURN, COLO., October 14th, 1892.

To N. W. SAMPLE,

General Superintendent D. & R. G., Denver.

By action of employes taken at a Union meeting at Minturn, October 17th, we, as a committee hereby request the reinstatement of Engineer W. Gordon, and full time paid from the date of his suspension. This matter to be made known by bulletin being posted at Salida, Leadville, Minturn and Grand Junction; this bulletin to be conspicuously posted by seven o'clock a. m., October 15th, and unless such bulletin is posted by such time we, as the engineers, conductors, firemen, and brakeman, positively refuse to handle trains on² Second Division after seven o'clock A. M., October fifteenth.

By order of

(Signed)

COMMITTEE."

You will see that no names are appended to the telegram nor was any conference asked for, nor the least consideration shown to the Company, nor to me personally as the General Superintendent. I doubt if any set of railway men in the United States ever acted as arbitrarily, and with less regard to the interest of their company, than have the men on the Second Division in this case. It seems to be impossible for reasonable and right thinking men to continue this course, and if it has not already been done, I wish that you and Master Mechanic Jones would at once confer with some of the Second Division engineers and conductors for the purpose of showing them the wrongfulness of the action taken.

(Signed.)

N. W. SAMPLE.

The notification received by the General Superintendent at 2:10 a. m., October 15, five hours before that portion of the line was tied up, was the first information, or even intimation, received by the company of the contemplated strike.

Believing that friendly conferences between employer and employes for the purpose of adjusting differences are desirable, and that to avert a strike, disastrous alike to the company and the men, and in its effects greatly injurious to the public, arbitration in this case might be resorted to, the following telegram was sent at 5:16 p. m. to the Division Superintendent.

DENVER, COLO., October 15th, 1892.

R. M. RIDGWAY,

Salida.

I shall be glad to confer with any committee of our employes for the adjustment of any grievances, and if we cannot agree, am willing to

arbitrate matters of difference; in the meantime, the men should return to and remain at work pending the adjustment, either by conference or arbitration. The Company has always treated its employes liberally and justly, and the present strike, almost without notice, will not be sustained by railway employes generally, or the public. Give a copy of this message to the committee.

(Signed.)

N. W. SAMPLE.

To this the following reply was received by the Division Superintendent, and immediately transmitted by telegraph to the General Superintendent:

SALIDA, October, 15th, 1892.

N. W. SAMPLE,

Denver.

Following report from the committee received.

(Signed.)

R. M. RIDGWAY.

SALIDA, October 15th, 1892.

R. M. RIDGWAY,

Salida.

We, the employes of Second and Third Divisions, instruct our committee to inform you that we will not accept Mr. Sample's terms, and that we will remain out until a settlement is made amicable to ourselves.

(Signed.)

EMPLOYES TRAIN AND MOTIVE POWER DEPART-
MENTS, SECOND AND THIRD DIVISIONS.

From the foregoing it will be seen that even arbitration, for which so many labor organizations have contended, is refused by the men through their duly appointed committee.

E. T. JEFFERY,

President.

DENVER, October 16th, 1892,

Proceedings of the Judiciary Committee of the House of Representatives.

In the House of Representatives on May 12, 1892, Mr. Oates, from the Committee on the Judiciary, submitted the following report, which was adopted :

“The House of Representatives having ordered this committee to report back the resolution proposing an investigation of the Pinkerton Detective Agency, the Committee on the Judiciary, having had the same under consideration, report therefor the following substitute and recommend its adoption :

“*Whereas*, it has been alleged that a certain organization known as the Pinkerton detectives has been employed unlawfully and to the detriment of the public by railroad corporations engaged in the transportation of the United States mails and interstate commerce: Therefore, be it

“*Resolved*, that the Committee on the Judiciary be, and it is hereby, directed to investigate the said Pinkerton detectives, to wit: The character of their employment by corporations engaged in the transportation of interstate commerce or the United States mails, the numbers so employed, and whether such employment has provoked breaches of the peace or caused the destruction of property, and all the material facts connected with their alleged employment, and to report the same to this House by bill or otherwise at any time. And to this end, the said Committee on the Judiciary is hereby authorized and empowered to issue and cause to be served processes for the production of papers and to procure the attendance of witnesses, to administer oaths, and to employ a clerk and stenographer if necessary, and any sub-committee of said Judiciary Committee is hereby invested with like powers, for the purpose aforesaid, and may sit wherever deemed necessary, and during the sessions of the House. All of the expenses of such investigation shall be paid out of the contingent fund of the House upon proper vouchers, certified as correct by the chairman of the said committee or sub-committee, not to exceed the aggregate sum of two thousand dollars, which the Clerk of the House of Representatives is

hereby directed to turn over to the chairman of such sub-committee, not exceeding one thousand dollars at a time, taking his receipt therefor, and which shall be accounted for by him to said clerk in the manner aforesaid, the same to be immediately available."

On July 6, 1892, in the House of Representatives, Mr. Williams, of Massachusetts, submitted the following resolution :

"*Whereas*, the Pinkerton detective or private police force, to the number of several hundred, is now engaged in an armed conflict at Homestead, Pa., with the late employees of the Carnegie Iron Works at said place, and great loss of human life and destruction of property are likely to result from the same; and

"*Whereas*, the Judiciary Committee has been directed by a resolution of the House to investigate the nature and character of the employment of Pinkerton detectives by corporations engaged in interstate commerce; therefore, be it

"*Resolved*, that said committee shall investigate and report on the character of the employment of said forces in the present instance, and the causes and conditions of the sanguinary conflict now going on at Homestead, Pa."

This resolution was referred to the Committee on the Judiciary and was reported back favorably on July 7, 1892, and adopted with the following amendment :

"That the committee be instructed to inquire whether or not the employment of Pinkerton detectives has any connection with the present system of Federal taxation."

Extract from Official Report, 52d Congress, 1st Session,
Misc. Doc. No. 325.

COMMITTEE ROOM OF COMMITTEE ON JUDICIARY,
WASHINGTON, D. C., July 22, 1892.

The sub-committee of the Committee on the Judiciary appointed to investigate the employment of Pink-

erton detectives in connection with the transportation of interstate commerce and the recent labor troubles at Homestead, Pa., this day met at 10 A.M., Hon. Wm. C. Oates in the chair.

Present, the Chairman, Mr. Bynum, and Mr. Broderick.

ROBERT A. PINKERTON, sworn and examined.

By the Chairman :

Q. Please give the stenographer your full name and residence? A. Robert A. Pinkerton, 39 Eighth Avenue, Brooklyn.

I desire to present a statement which I have drawn up and which I hand to the committee [handing statement to the chairman of himself and William A. Pinkerton].

At this point John Devlin, A. W. Wright and John W. Hayes, secretary general executive board of the Knights of Labor, presented to the committee a list of questions which the said Devlin and his associates desired answered. They made the request on behalf of the Knights of Labor.

The committee retired to examine the statement of the Messrs. Pinkerton and the list of questions offered, and on their return the statement was allowed to go in as a presentation of their case and not as evidence, and the questions were allowed to be put. The statement of the Pinkertons is as follows :

WASHINGTON, D. C., July 22, 1892.

To the Judiciary Committee of the House of Representatives:

You have asked us to appear before you and testify in regard to the business conducted by us under the

name of Pinkerton's National Detective Agency. The present inquiry by your committee arises from the recent deplorable events at Homestead, in the State of Pennsylvania, and we are informed that a statement on our part of our connection with strikes and of the general method of carrying on this branch of our business will aid the committee in its investigation.

The agency was founded in 1850 by the late Allan Pinkerton, and during the last twenty years it has frequently furnished private watchmen to protect the property of individuals and corporations during strikes. The men employed by us in this strike work are selected with great care, and only after a full investigation of their characters and antecedents. Not a single instance can be cited where we have knowingly employed unreliable or untrustworthy men, or where any of our watchmen have been convicted of a crime. Moreover, we have seldom permitted our watchmen to carry arms for the purpose of protecting property and life unless they were authorized by the proper legal authorities or sworn in as deputy sheriffs. Our men have never wantonly or recklessly fired a single shot in any of these strikes, and have only used their arms as the last extremity and in order to protect life. We have consistently refused to permit our watchmen to bear arms without special legal authority or as deputy sheriffs, even when on private property, and we had no intention of varying from this rule in the Homestead strike.

When first requested to send watchmen to protect the Homestead plant and property of the Carnegie Steel Company, Limited, we refused to do so unless all our men should be sworn in as deputy sheriffs before

going to Homestead. We were then assured that the sheriff of Allegheny County, Pa., knew that our men were going to Homestead to act as watchmen and to guard the property of the company and protect its workmen from violence. We were further assured that the sheriff had promised, immediately upon any outbreak or disturbance, to deputize all our watchmen as sheriff's deputies if it became necessary for the protection of life and property. On that condition only did we consent to furnish about three hundred watchmen. A large number of these men were our regular employees, who could be thoroughly trusted for integrity, prudence and sobriety. The remainder were men whom we employed from time to time, or who were known and recommended to us. They did not go into the State of Pennsylvania as an armed body or force, and we should not have permitted or assented to this. There was no intention or purpose whatever of arming them until they were on the property of the company at Homestead and until and unless they had been sworn in as the sheriff's deputies.

The Sheriff's Chief Deputy Gray accompanied our men, being on the tug towing the barges, and it was distinctly understood that he had authority duly to deputize them in case of necessity. The boxes containing the arms and ammunition were shipped from Chicago, and were to be delivered at the Homestead yards. The instructions to our men were that they should not be armed unless previously deputized by the sheriff. As a matter of fact, the boxes on board the barges were not opened and the arms and ammunition were not distributed until after the strikers had commenced firing on the watchmen and it became evi-

dent that it was a matter of self-defense, for life or death. Klein had been murdered by the strikers, and about five other watchmen shot and wounded before our men began their fire in self-defense. Even then it was impossible to attempt to shoot those firing at the barges, because the strikers made a breastwork for themselves by placing women and children in front and firing from behind them. Not a single woman or child was injured by our men.

When our men surrendered, the leaders of the strikers solemnly promised full protection to property and life. They knew that our men surrendered because the wounded required attention and for the purpose of saving further loss of life. After the surrender all our men, including the wounded and helpless, were brutally beaten and robbed by the strikers, and the leaders made no real or honest effort to protect them. Our men were robbed of watches, money, clothing, in fact, everything, and then mercilessly clubbed and stoned. Conners, unable to move or defend himself, was deliberately shot by one of the strikers and then clubbed. Edwards, also wounded and helpless, was clubbed by another striker with the butt end of a musket. Both died, and subsequently another watchman became insane and committed suicide as a result of the fearful beating after having surrendered. All our men were more or less injured. The acts of the strikers, after our men had surrendered, would be a disgrace to savages. Yet, because done in the name of organized American labor, sympathy, if not encouragement, is shown for such deeds by part of the press and by political demagogues.

We do not shirk responsibility for any of our acts in

this or any other strike. The coming murder trials ought to bring out the truth and uphold the law. Our actions will then be shown to have been legal from beginning to end. Whatever may be the present prejudice against our agency, we shall patiently wait the sober reflection of the country in the confidence that the enormity of the wrong and outrage done to our men at Homestead will be ultimately recognized, although the example will in the meantime have caused incalculable injury to the community.

The principle involved is of far more importance than are the merits of the present controversy between the Carnegie Company and its workmen. We have no quarrel with organized labor, and they have no cause of complaint against us except in so far as they attempt to destroy property and life and to violate the law. If the owners of mills, factories, mines, railroads, and other valuable property cannot employ watchmen to protect life and property, then all capital so invested is practically at the mercy of secret labor organizations, whose tyranny and despotism exceed anything ever known in the history of the world. These societies intimidate whole communities by threats of murder, and are determined upon ruin and destruction of property if their demands, no matter how unreasonable or impracticable, are not complied with.

In the case of the Mollie Maguires, they terrorized the public authorities, and for years were absolute in their rule of murder and destruction of property. Every large strike has shown that these labor organizations will murder and destroy property out of sheer wantonness and revenge. During the Chicago Stove Company's strike, the strikers concealed explosives in a

mould in order to cause an explosion when the molten metal was poured in. During the strike on the Chicago, Burlington and Quincy Railroad, dynamite was put under trains by leaders of the strike in the expectation that trains would be blown up and innocent passengers killed. During the recent strike on the New York Central obstructions were repeatedly placed on the track by strikers, and in one instance a train of sleeping cars, filled with sleeping passengers, and running at a high rate of speed, was thrown down a steep embankment. In another instance during the same strike, the strikers attempted to wreck the Chicago express going down a steep grade into West Albany, and would have succeeded in killing or maiming a great number of passengers, if one of the railroad ties, with which the obstruction was made, had not been rotten. In the City of New York, during the stonecutters' strike, strikers, in order to kill non-union men, unwound a part of the rope of a windlass and during the night poured acid on the rope and then rewound it so that the next day non-union men might be killed in ascending with the stone or by the falling stones. These fiendish acts were done by members of labor organizations in the promotion of their strikes, and the only grievance which the men had was that the employer was seeking to hire men who were perfectly willing and eager to take the places of the well-paid strikers.

These are but a few instances where strikers, controlled by secret labor orders, have sought to murder and to destroy property. It was morally certain, from the threats of the men themselves, that the strikers at Homestead would resort to similar violence and attempt to destroy the property of the Carnegie Company if

any attempts were made to supply their places by non-union men. At the present time, thousands of men would go to Homestead, attracted by the high wages paid there, if they were assured of protection in the right to earn their living.

The business of watching and guarding private property is now extensively carried on in large cities in this country, not only by ourselves, but by many other reputable concerns. Thousands of banks, residences, warehouses, offices, stores, etc., are thus protected and guarded by private watchmen. If men cannot lawfully act as private watchmen in a large manufacturing plant, then it must follow that the bank or the private house or office cannot be protected or guarded. It would, we think, surprise the community if it should be declared by Congress that the right to protect one's property and to hire servants and agents to assist in so doing no longer exists in this country.

We were advised by our counsel, Messrs. Seward, Guthrie & Morawetz, of New York, that we were not violating any law of the United States or of the State of Pennsylvania; that our acts were lawful; that we had the right to employ and send men to Homestead to act as watchmen; that if they were attacked they had the right to kill, if absolutely necessary for self-defense; that they had the right to bear arms on the premises of the Carnegie Company in order to protect life and private property whether or not they were deputized by the sheriff of Allegheny County; that we had the right to ship arms from Chicago to the Carnegie yards at Homestead for the purpose of arming our men if and after they were deputized by the sheriff; that in view of the attack on the barges our men had the right

to bear arms and to defend themselves, and that all their acts in firing in self-defense from the barges, after the attack on them, were legally justifiable under the laws of the United States and of the State of Pennsylvania.

Yours, respectfully,

WM. A. PINKERTON,
ROBERT A. PINKERTON.

At this point the committee took a recess until 1 P.M.

AFTER THE RECESS.

The committee met. Present, the chairman, Mr. Boatner, Mr. Bynum, and Mr. Broderick.

The CHAIRMAN: I will state for the information of the reporters that, as we began, a committee representing the Knights of Labor, Mr. John Devlin, Mr. A. W. Wright and Mr. John W. Hayes, presented several questions which they desired the committee to propound to the witness. Under our rules and practice we do not allow any parties not members of the committee to put questions. The committee examined the questions and have submitted them to the witness for answer, and the witness has no objection to answering all of them, and he proposes now to make his answers.

The chairman then proceeded to read the following questions, and the witness made the following answers:

Q. State the names and residences of the principals composing the so-called Pinkerton agency. A. Pinkerton's National Detective Agency is owned and conducted by William A. Pinkerton, of Chicago, and Robert A. Pinkerton, of New York, as copartners, and

as survivors and successors of the late Allan Pinkerton.

The CHAIRMAN : There are no other persons members of the association or business ?

The WITNESS : Except the employees.

The CHAIRMAN (reading) :

Q. State the number and location of the offices, principal and subordinate, of the agency. A. There are two principal offices, situated respectively at New York and Chicago. The Chicago office is under the immediate direction and control of William A. Pinkerton, and the New York office of Robert A. Pinkerton. We have six regular branches situated in Boston, Philadelphia, Kansas City, St. Paul, Denver, and Portland, Oregon.

Q. What is the nature of the several branches or kinds of business which the agency undertakes to conduct ? A. The nature of our business in all its branches is that of a general private detective business. We supply watchmen to protect and guard banks, private residences, offices, stores, warehouses, etc. We also supply men to act as watchmen for race tracks, summer resorts, fairs, exhibitions, theatres, etc.

Q. What number of firearms and weapons of offense of all kinds were subject to your control or owned by your agency on the 4th day of July, A.D. 1892, and where were they deposited ? A. Our agency owned about two hundred and fifty rifles, about four hundred pistols and about an equal number of clubs, and they were deposited at Chicago.

Q. State the number of the persons regularly in your employ on the said 4th day of July, or formerly ? A. We had in our employ at that time not to exceed

600 employees, including clerks, stenographers, typewriters, etc., detectives, night and day watchmen, 600. To the best of my knowledge and belief we have never had more than 800 persons in our employ at any one time at all the offices in the United States.

The CHAIRMAN: Would it be practicable for you to give the names and places of residence of these people at present?

The WITNESS: Well, it would not.

Mr. BOATNER: Do you think it would be well to load down the report by printing the names and addresses of 800 people?

The CHAIRMAN: I do not.

Mr. BOATNER: It does not seem to me to be relevant to the investigation. You might inquire as to the class of people they employ, and you can inquire about that without requiring him to give their names and residences.

Mr. BYNUM: Could we get about the number employed in each city?

By the CHAIRMAN:

Q. Can you give about the number employed in each office? A. Well, it is according to the season. We have more employees in the summer time than we do in the winter months, and I suppose I could give an estimate of what there were at each office——

Q. Just give that. A. Well, at the present time there are employed in New York—there may be from 100 to 125; in Boston, 20 to 25; in Philadelphia, possibly 40; in Chicago, possibly 125 to 150; in Kansas City, possibly 30; in Portland, Oregon, possibly 15; in Denver, possibly 30; and in St. Paul, possibly 20.

The CHAIRMAN (reading) :

Q. What authority do you exercise, or claim to exercise, over your employees as to obedience of orders? Are they required to bear arms and go wherever ordered by the principals of the agency, and perform whatever service is imposed upon them? A. The only authority we ever exercised, or claim to exercise, is that of any employer exacting obedience, attention to duty, honesty and sobriety. They are not required to bear arms or to perform whatever service is imposed upon them. They are always advised of exactly what they are expected to do, and are at perfect liberty to refuse any employment to which they object.

Q. Are any of your contracts with your employees in writing? If yea, produce one or more of them?

A. Our contracts with many of our employees are in writing. They provide for honesty, sobriety and attention to the duties for which they are employed. We decline, under advice of counsel, to produce these contracts, because they are matters of private agreement between ourselves and our employees.

Mr. BOATNER: I desire to enter my protest against any such style of proceeding as to propound these questions at the beginning of the examination of this witness. It appears to me it is an usurpation of the powers of this committee. It is a reflection upon the committee in that it takes for granted that the committee will not make a proper investigation. The very purpose for which we summoned Mr. Pinkerton is to investigate the participation of the Pinkerton Company with the late riots and disturbances at Homestead, and I do not like to be put in the position of having a reflection thrown upon us that we would not ask the

proper questions. If I had been present this morning, I would have opposed these questions coming in at this time. After we had examined the witness, then, if there were any questions which they desired to have put not covered by our examination, the questions could have been asked.

The question was discussed by the committee and it was decided, as the examination had been begun in this manner, it would be continued and the balance of the questions put.

The CHAIRMAN (reading):

Q. State under what circumstances you entered into the agreement with Mr. Frick, or his associates, to guard the works at Homestead, Pa. Who first broached the negotiation ending in the employment? Produce all correspondence relating thereto. A. We were requested by the Carnegie Steel Company, Limited, to furnish about 300 watchmen to protect the property of the company at Homestead and the lives of their employees. The negotiations were first broached by the company's representative. The correspondence relating thereto is not in my possession here.

Q. Was this your first agreement to supply men to Mr. Frick or his associates? How many men and on what terms did you supply them in the matter of the difficulty in the Connellsville coke regions?

The CHAIRMAN: You may answer that or not, as that is something we are not charged with inquiring into. A. Our firm had been previously engaged by Mr. Frick, or the Coke Company with which he was connected in Pennsylvania. During the coke strike we supplied between 150 and 200 watchmen, as nearly as I can now recollect, and the terms were \$5 per day.

These men were ultimately all sworn in as sheriff's deputies, and some of them were given State commissions under the Pennsylvania Coal and Iron Police Law.

The CHAIRMAN (reading):

Q. How many men were you requested to furnish in the Homestead matter; within what time, and from what localities did you obtain them? A. We were requested to furnish about 300 watchmen; they were to be supplied by the 6th of July; we had about ten days' notice, and the men were obtained from Chicago, Philadelphia and New York. All these men knew exactly the nature of their employment, and many of them had been for some time regularly in our employ. All of these men had recommendations as to their character and antecedents, or were personally known to us. Their references are always investigated, and we use the utmost care in selecting as reliable and trustworthy men as possible.

Q. How were the barges on which your men were transported to Homestead constructed as to the defense and protection of persons upon them? A. I do not personally know anything about the barges, but so far as my firm are concerned the barges were not constructed for the purpose of defense and protection. They were simply ordinary barges, used for transportation.

Q. Were not the barges lined with iron or steel plates of sufficient strength to resist small arms of every kind? A. I am informed and verily believe that the barges were not lined with iron or steel, and were not of sufficient strength to resist small arms.

Q. Were not the men on the barges entirely secure from any attack from the union men of Homestead, so

long as they remained behind the protecting sides of the barges? A. To the best of my knowledge and belief the barges were not secure from attack, and the great amount of wounds inflicted on our men should conclusively establish that they were not a sufficient protection. We would never have allowed our men to start on the expedition had we known they were going to be attacked before landing.

Q. Why were barges employed to transport the men from Pittsburg to Homestead instead of the ordinary modes and means of travel by land and water? A. Barges were employed instead of the railroads, because the Carnegie Company and ourselves expected that thereby our watchmen would be enabled to land upon the company's property without causing any breach of the peace or tending to excite the men who had gone on strike. The landing was made at night, and at an hour when we expected the strikers would be in bed, because we believed that after the experience of the sheriff's men an attempt might be made to forcibly prevent our men entering the works if we came by railroad in the daytime. Our sole desire was to avoid by all means a breach of the peace and inciting or aggravating a riot. Had we known, when the men started, that they could not land without a breach of the peace, we should have refused to permit them to go unless authorized by the Governor of the State or deputized by the sheriff.

Q. State the number of men on the barges, the amount of fixed ammunition, and the number and kind of firearms of all kinds, and by whom the said ammunition and arms were supplied? A. There were about 310 men on the barges. There were about 250 rifles,

about 300 pistols, and ammunition and night clubs. The clubs are what are usually known as watchmen's sticks or police batons.

Q. How many of the men on the barges were old and trained employees of your agency? What authority had they over the recruits in respect to requiring them to bear and use firearms at their command and direction? A. About two-thirds of the men had previously been in our employ. They had no authority over the other men in any way, and could not have given them any orders in respect of bearing or using firearms. All the men were under the charge of F. H. Hinde, who had been in our employ for many years, and whom we knew to be trustworthy, prudent and reliable in every way.

Q. State with particularity where the men who were finally taken to Homestead were assembled together, through what States, and by what lines of railroad they were transported to Pittsburg? A. About 120 men were sent from Chicago; they passed through Illinois, Indiana and Ohio. About 76 men were sent from Philadelphia, passing through New Jersey, New York and Ohio. About 120 men were sent from New York, passing through New York, Ohio and Pennsylvania. All the men met at Ashtabula, Ohio, and went from there to a point near Youngstown, Ohio, where they were put aboard the barges. The Chicago men left by the Lake Shore Road; the New York men went over the West Shore Road and the Lake Shore; the Philadelphia men went over the Pennsylvania Road, the Lake Shore and the West Shore.

Q. State precisely the object in placing the large number of firearms on the barges, and whether it was

not understood between the principals of the agency and Mr. Frick and others representing the Carnegie Works at Homestead, that the men on the barges were to commit a breach of the peace, or to use force to recover possession of these works if necessary? A. The arms placed aboard the barges were in boxes and were destined for the yards and private property of the Carnegie Company. Our positive instructions were that they should not be used or distributed to the men until after they had been sworn in by the sheriff, and we were assured that the sheriff had promised to swear them in upon the first sign of trouble or disturbance. Our men were not, under any circumstances, to commit a breach of the peace, and there never was any such understanding, directly or indirectly, with any one connected with the Carnegie Company or with anybody else. We would not permit them to use force to recover possession of the works if they had been in possession of the strikers, unless they had been duly authorized and sworn in by the sheriff. Our only purpose was to go upon private property and then protect it from attack.

Q. State whether it was not the intention of the superior officers on the barges, and whether they had not been instructed to fire on the so-called locked-out union workmen at Homestead, and to take life if it were necessary, to obtain possession of these works? A. They were not so instructed, and would not have fired upon the locked-out men except as a matter of self-defense after they had been attacked and six of their number shot down.

Q. Did you know that it was your duty to first apply to the Courts for assistance and secure the usual

process and writs before you were authorized to employ force to reach the Carnegie steel and iron works at Homestead? A. We understood that our employers, the Carnegie Company, had duly applied to the proper legal authority, and that we were going to Homestead with the consent and approval of the sheriff, and our watchmen would be sworn in in case of any outbreak.

Q. What right did you believe, you had to assemble men at various places outside of the State of Pennsylvania, and to carry them within that State armed or with stores of arms conveniently at hand, without the request or consent of the authorities of the Commonwealth of Pennsylvania, or of any municipality therein?

A. We were advised by counsel that we had a perfect right to send watchmen from one State to another. We did not attempt and have never attempted to send any armed body, and the arms on the barges would not have been distributed if the men had not been attacked. There was every reason to believe from the threats from the strikers themselves that our men would be attacked, and that attempts would be made to destroy the property of the Carnegie Company. The principal deputy of the Sheriff of Allegheny County, Mr. Gray, accompanied our men, and we distinctly understood that he would be authorized and prepared to swear our men in as soon as there was any outbreak or indication of trouble.

Q. Did your agency, before taking armed men into Pennsylvania, make any effort to obtain the consent or authority of the executive of the Commonwealth of Pennsylvania; or did you ever, upon any occasion before taking armed men into any State or commonwealth, ask for or obtain the consent or authority of

the executive of such State or commonwealth? A. This question is a matter of law, and it would be a waste of time for us to attempt to instruct the committee.

Q. Would you not have the same authority or legal right to place 10,000 armored barges on the navigable waters of the United States, equipped with men and loaded with arms and ammunition, that you had to place these barges so manned and loaded upon the waters of the Monongahela River? A. This question is a matter of law, and it would be a waste of time for us to attempt to instruct the committee.

Q. How many human lives have your employees taken since your agency first entered upon the business of supplying men to protect the property of corporations and employers against so-called "strikers," or to make effective so-called "lockouts?" A. During the twenty years that we have been engaged in this strike work, not a single instance can be cited where our men have fired upon the strikers except as a last extremity in order to save their lives. During these twenty years three men have been killed by our watchmen in these strikes, up to the time of the Homestead affair. In each instance our men were sworn in as deputy sheriffs or peace officers, and whenever tried have been acquitted.

By the CHAIRMAN :

Q. As I understand you, you are engaged in the regular detective business, and in addition to that furnish guards to corporations and others who desire to employ them to guard property in case of strikes, disturbances, &c.? A. We are engaged in the general detective

business. The watch business is a separate business, but controlled by ourselves, and we furnish watchmen for private parties or corporations.

Q. Will you mention the number of strikes or disturbances between corporations engaged in the transportation of interstate commerce or carrying the United States mails and their employees wherein you have interposed and furnished men as detectives or as guards to such corporations and their property? A. I cannot state the exact number of railroads, corporations or individuals we have been employed by or furnished with watchmen in the twenty years since we commenced it.

Q. State the principal ones within your recollection, and give the committee an account of the character of them? A. The ones that I recollect are the Chicago, Burlington and Quincy; the Lake Shore——

Q. When did that occur—take them one at a time? A. I cannot give the date.

Q. What year? A. I cannot give you the year. It was about four years ago; that was the Burlington strike. The Lake Shore Road was about five years ago, and the New York Central Road about two years ago. There have been other roads, but I do not call them to mind. There was the Union Pacific seven or eight years ago.

Q. You furnished men, did you not, at a strike, or a series of strikes, occurring, I believe, in 1886 and 1887, out west; that is, west of the Mississippi River? A. West of the Mississippi?

Q. Yes; it was investigated by a committee of Congress? A. I do not call it to mind; I do not know of any investigating committee who investigated any strike which we were engaged in.

Q. Have any of your men ever been indicted or tried for killing or wounding any people while engaged in the duties which you employed them to perform? A. Yes, sir.

Q. Will you state the cases and the results? A. In the strike—there is another road I had forgotten, and that is the Delaware, Lackawanna and Western—there were several arrested, one for shooting, who was tried and acquitted. At the stock-yard strike in Chicago, there were two or three arrested, tried and acquitted. In a number of strikes there have been parties arrested on charge of assault. None have been convicted, except two before a magistrate or justice of the peace, and the judgments have been reversed.

Q. What cases are they? A. That was on a strike on the New York Central Road.

Q. What year? A. Two years ago.

Q. What was the charge against the men, or how many charges? A. Simply assault. Some were acquitted. Those who were taken into the higher courts were acquitted, but some being tried by local magistrates, the men were committed for trial, but never were tried; that was the result of that, or if tried, were acquitted.

Q. Have you ever furnished guards to travel on trains which were engaged in the transportation of interstate commerce and the United States mails between different States? A. Yes, sir.

Q. In what cases? A. In the cases of the Burlington strike and the New York Central strike. I think, wherever we have done strike work for railroads, at the time we furnish men to ride the trains.

Q. Do these men go armed? A. I should think they did; I do not know positively.

Q. What were your instructions in such cases? A. It was all owing to the circumstances. In the New York Central strike the men who rode freight trains were armed. They were obliged to protect themselves from parties shooting out of buildings at them and throwing stones from an elevation down on the company's employees or on themselves. In the New York strike a number of men were knocked off freight trains, off trains while in motion, by stones, and some were shot.

Q. About what number would be furnished for a train? A. It would be according to the length of the freight train. I suppose that one man would probably cover five cars—five, six or seven cars. There would be a man, anyhow, to every brakesman on the train, and one in the caboose, and probably one riding with the engineer.

Q. Can you give the date——? A. (Continuing.) I will say these men were sworn in, all of them, as peace officers.

Q. Can you give the date of the negotiations between you and Mr. Frick, chairman of the Carnegie Steel Company, at Homestead, with reference to furnishing men who were sent there subsequently; I mean the men who were sent to Homestead and got into trouble on the morning of the 6th of July? A. Yes, sir; I think the negotiations commenced eight or ten days previous to that.

Q. Some eight or ten days previous to that? A. Yes, sir.

Q. With whom did you negotiate? A. My negotiations

were conducted through Mr. Schoonmaker, who was in consultation with Mr. Frick; he is the vice—I think the assistant to the president of the Carnegie Steel Company.

Q. Mr. Frick testified that he contracted to pay you \$5 a day per man and feed them—board them; was that the contract? A. Yes, sir.

Q. How many did you say were furnished? A. I say 310. There may have been 312 or 315, along there. I say under 316 men limit.

Q. Who had charge of these men; did you not have some one who controlled their action and directed them? A. Yes, sir; F. H. Hinde, an employee of ours at New York, was to be in charge of the men.

Q. Did he go in charge of them? A. Yes, sir.

Q. What became of him? A. He was shot down in attempting to land at Homestead.

Q. Did he recover? A. He is still in the hospital at Pittsburg; he was shot twice.

Q. You have no personal knowledge of the barges or of any transaction which occurred in taking the barges up the river, and in the landing or attempted landing at Homestead? A. Nothing except from the reports which have been made to me.

Q. You have no personal knowledge? A. No, sir.

Q. Have your men, while in the employ of railroads and on trains running through the country, ever been engaged in any fight or battle with other people other than you have stated, that in some instances they were fired upon by unknown parties and had stones thrown at them? A. Well, we have a good deal of work, and I guess we do most of what they call train-robbery work—where trains are robbed by train robbers. We

work for all express companies, and where there is a robbery we go out—and in this case, in speaking of men who have been killed by our men, I leave the train robberies outside. I mentioned three men who have been killed in connection with strikes, but I did not mention the men killed while being arrested for holding up trains and who resisted arrest.

Q. Do you know how many people of that character, train robbers, have been killed by your men? A. No, sir; I would have to look up the papers to see it. I think there were in 1866, at the time of the Adams Express robbery at Seymour, Ind., two or three killed while attempting to rob the train.

Q. By your men who were on the train? A. Well, there were a number of our men on the train, and there were others on the train, and it was done at the nighttime, and whether they were killed by our men or not I could not say.

Mr. BYNUM: Those who were not killed were hung to a limb of a tree on the edge of Seymour the morning afterwards.

The WITNESS: Yes, sir; there were a number hung out there. In replying further to the question, I desire to state that at any time we have ever had trouble in connection with strike work on railroads, it has always been where it has been brought on by the strikers or their friends, and in riding trains, where strikers have come out and put obstructions on the track to stop trains from moving, and take possession of freight yards and driven off switchmen, our duties have always been to put the trains in motion and to clear the yards of strikers and allow the trains to move; never to stop a train or obstruct it.

By the CHAIRMAN :

Q. Have your employees in any case within your knowledge fired upon or made an assault upon any citizen of the United States or other people while in the discharge of these duties or in the employ of corporations ; have they ever made any assault upon them or begun any riot, or shot, or abused them ? A. Not begun it. They have fired when they have been fired at ; when they thought their lives were in danger.

Q. Is it not a habit of your men while thus employed to go armed ? A. Well, where they have been sworn in as peace officers, yes, sir ; and where they have been actually on the road, protecting the property and the lives of employees, or traveling through the country ; but traveling through the country like transporting the men from Chicago or New York or Philadelphia to the Carnegie works, they did not carry arms. The arms are sent, and they are generally put on the company's property, and are not used except where some necessity arises to use them. We do not carry armed guards through the country.

By Mr. BOATNER :

Q. You have charge of the New York office, I believe ? A. I have charge of what we call the eastern division—New York, Boston and Philadelphia.

Q. Mr. Frick put in evidence a letter, I think, of your agency, dated on the 25th day of June, in which he made formal application to be supplied with men. Was there any agreement between your agency and Mr. Frick prior to that time that men should be furnished ? A. I do not believe there was an agreement at that time. I had declined to furnish men unless they could

be sworn in. I had positively declined to furnish them unless that should be done.

Q. Mr. Frick testified that several days before the 25th a representative of your agency came from Philadelphia and had an interview with him in regard to these men; that your representative had stated the terms upon which they would be furnished, and that he had accepted the terms by making no objection? A. I said that to the best of my recollection it was eight or ten days before that consultations had been going on. I now remember that Mr. Hinde was sent on from New York, at the request of either Mr. Frick or his representative, to come to Pittsburg for the purpose of an interview.

Q. What I want to get at is the date when Mr. Hinde went to Pittsburg? A. What was the date of Mr. Frick's letter?

Q. Mr. Frick's letter was dated the 25th of June. He said Mr. Hinde had been there prior to that, but we could not get out of him just how long prior to that. A. I could not state now; it may have been four, five or six days prior, but there was no understanding at that time that our men were to be employed. The understanding was that in case circumstances arose which warranted it, they would be employed. Terms were mentioned, no doubt, but there was no understanding they were to come in and go to work at that time. It was simply a general conversation that in case the men were to be employed that a man had been on the ground and looked it over, and it was for consultation only that Mr. Hinde went to Pittsburg.

Q. Had Mr. Hinde returned to New York before

the 25th? A. Oh, yes, sir. He went away with these men when they left.

Q. He went away with the men? A. Yes, sir.

Q. When he returned to New York you received this letter, which was dated on the 25th of June, and that was after he had had an interview with Mr. Frick?

A. Yes, sir; my recollection is that that is what led up to the letter. I declined to furnish the men unless they could be sworn in. After Mr. Hinde's return I declined to furnish the men unless they could be sworn in.

The CHAIRMAN: As deputy sheriffs?

The WITNESS: As peace officers or deputy sheriffs.

By Mr. BOATNER:

Q. Did you reply to Mr. Frick's letter of the 25th of June? A. My recollection is I did, but most of our negotiations were done through Mr. Schoonmaker through the telephone or over their private wire. Mr. Schoonmaker would come to me and then he would go back, and whether he would telephone or use the private wire I could not say.

Q. I would like for you to be certain, if you can, whether you did reply to this letter of the 25th of June?

A. I think it is very likely.

Q. Well, that still leaves it in a condition of uncertainty? A. I do not think there is much doubt about it myself; I believe I did; that is all I can say.

Q. Do you recollect having written the letter or dictated it yourself? A. I did not write it myself; if I did send one I dictated it.

Q. Do you recollect having dictated it? A. I have a recollection I did. My recollection is I did.

Q. Do you recollect the substance of the letter? A.

Well, I can only say I think it applied to the swearing in of the men; that if we furnished the men they must be sworn in.

Q. Could you furnish us with a press copy of that letter? A. I could furnish you with a copy of that letter if it was necessary.

Q. We would like to have it. Mr. Frick has furnished us with a letter to you, and we would be very glad to have a copy of your reply. Now, it was testified to by the captain of the boat who took those men to Homestead that the arms were turned over to him, with the supplies, and that they were delivered to him in ordinary boxes, which did not show what they contained. Will you state to the committee who sent those arms to the City of Pittsburg? A. We sent them.

Q. From what point? A. From Chicago.

Q. To whose care did you ship them at Pittsburg? A. To the Union Supply Company.

Q. Did you give the Union Supply Company instructions as to the disposition to be made of the arms? A. No, sir.

Q. You gave them no instructions? A. No, sir.

Q. How did the Union Supply Company come to deliver them to the captain of this boat? A. I have no personal knowledge how it was, but I could assume how it was done.

Q. How would you assume it was done? A. I assume they got instructions from the Carnegie people—from some one of them.

Q. Had you given the Union Supply Company instructions to act on the orders of the Carnegie Steel Company? A. No, sir.

Q. How do you account for the fact that the Supply

Company accepted instructions from the Carnegie Steel Company about your property? A. I do not know they accepted instructions. I assume that they did, but I cannot account for why they were delivered there.

The CHAIRMAN: Mr. Boatner, I think there is something in the testimony taken out there that Mr. Frick or some of those people are members of the Union Supply Company.

By Mr. BOATNER:

Q. What sort of an organization is the Union Supply Company—what business does it do? A. I do not know.

Q. You do not know? A. No, sir.

Q. At whose suggestion did you send those arms and ammunition to the Union Supply Company? A. The instructions came from the Carnegie people.

Q. And you merely obeyed their instructions in regard to the shipment of their arms? A. Yes, sir; that is, to ship anything we had to ship.

Q. You have testified at considerable length about the object of having these arms on board; under what contingencies were these arms to be used? A. In case that their lives—we positively instructed the men and officers that the arms were not to be used except they were sworn in by the sheriff and their lives were in danger. I desire to say that I did not know that the arms were to go up on the boat, but I have understood that the reason they were sent up on the boat was, it was impossible to get anything inside of the works otherwise. I had nothing to do with putting the arms on the boat.

Q. Then, as I understand, your instructions were that the men, in the event resistance was made to their landing, should not use the arms unless their lives were in danger? A. Or unless they were sworn in, and then only when their lives were in danger.

Q. They were not to use the arms unless they were sworn in and their lives were also in danger? A. Yes, sir; unless their lives also were in danger.

Q. Do you mean if they had been attacked and their lives were threatened before they were sworn in, that they had no right to protect themselves? A. Not with arms.

Q. Even if they were attacked with arms? A. If they were attacked with arms, and the men's lives were in danger, they were to protect themselves.

Q. Were not arms furnished? A. They were to protect themselves; those were the instructions to the men.

Q. But they were provided with those arms? A. They were not; the arms were sent up to be put inside the Homestead works.

Q. But the evidence which was furnished there at Homestead shows this state of facts: when the provisions were put on board the barges the arms were put on also; that the sheriff was instructed not to swear these men in except in case of trouble, and there is a good deal of doubt, and the sheriff himself did not seem to know what instructions he had given; but that was the contention of the Frick people.

Mr. BYNUM: Pardon me, Mr. Boatner; without any intention you might mislead him, and you should state to him that that was the testimony which was elicited at Pittsburg.

Mr. BOATNER: I am now stating to him what testimony was stated there ; you understand that ?

The WITNESS : Yes, sir.

Q. Now, I want to know what use would be made of those arms in the event an attack should be made upon the boat in advance of those men being sworn in. You say to this committee the men were instructed they were not to use the arms until after they were sworn in and then assailed ? A. I desire to say this : I had no reason to anticipate an attack on the boat, and therefore gave no instructions on that point. We had every reason to believe that they could land on the company's property without trouble.

Q. You thought they could get there without the Homestead men knowing anything about it ? A. That was the object.

Q. Without the strikers ascertaining that fact ? A. That was the object.

Q. That was the object in sending them up by boat ? A. Yes, sir ; by boat.

Q. Then the object of furnishing them with arms was to resist any forcible attack which might be made on the works after obtaining possession ? A. Made on the works, or any forcible attempt which was made on themselves where their lives were in danger.

Q. Well, now, let me see if we can get at what your understanding was. These men, you supposed, were to be gotten into the works without the strikers knowing it ? A. That was what we hoped to do.

Q. That was what you expected ? A. That was what we expected.

Q. They were then furnished with arms ? A. They

were not ; no, sir ; the arms were shipped by the Union Supply Company.

Q. We have gotten way past that ; the arms were put upon the boat ; you do not deny that ? A. No, sir ; I do not.

Q. And the arms were issued to the men ? A. Yes, sir ; but I had nothing to do with issuing them.

Q. Was it not contemplated when you shipped the arms that they were to be issued to the men in the event it became necessary to issue them ? A. Yes, sir ; when they were on the company's property.

Q. That was the understanding when you sent them ? A. Yes, sir.

Q. Now, then, in the event any attempt should be made by the Homestead workmen to dislodge your men from those works or dislodge the employees of the Homestead Company from those works, was it not expected your men were to use the arms with which they had been provided ? A. No, sir ; not unless their lives were in danger.

Q. Then, if the Homestead strikers had come to the works and undertaken to put your men off without endangering their lives, they would not have been authorized to use those guns ? A. No, sir ; they would not.

Q. If the strikers had come there with sufficient force just to shove them out of the works, they would have gone ? A. Well, I suppose if there had been trouble there they would have fought there, but there would have been no arms used.

Q. What did you expect them to fight with ? A. They had three hundred what we call night sticks—night clubs.

Q. They were then to use the sticks unless the Home-

stead people resorted to arms? A. They were to protect themselves and they were to keep trespassers off the company's property.

Q. How? A. Well, at the first sign of trouble the understanding was they were to be sworn in. And after that, if any one attempted to come on the property of the company, they would be then peace officers, and any one committing a breach of the peace should be arrested.

Q. It was supposed, then, if any one attempted to enter those works they would be sworn in as peace officers and they would have authority to arrest them? A. Yes, sir.

Q. And in the exercise of that authority they were authorized to use the arms if their lives should become endangered; is that the way of it? A. If their lives were in danger and they were fired on, and perhaps some of them were killed, and they supposed their lives depended upon their firing back, they were authorized to use their arms.

Q. You stated something about the Chicago, Burlington and Quincy strike; how many men did you have in the service of the company on that Burlington strike? A. Well, it extended from Chicago to Denver, and I suppose that, guessing at the number, there may have been 300 men employed there.

Q. Were those men sworn in as peace officers on that occasion? A. At different parts of the road they were; yes, sir.

Q. Were the men considered as employees of the road or as your employees? A. At some parts of the road they were not.

Q. Were those men armed? A. The men riding

trains and the men doing duty at different points of the road where there had been trouble were armed. Where there had been no trouble they carried clubs.

Q. What was the purpose of having men armed on that occasion? A. Well, to protect their own lives and to protect the company's employees.

Q. In other words, to resist any armed attack upon the road or its employees? A. To drive off any armed attacks.

Q. By the use of arms? A. Well, if arms were used, the men would be expected to protect themselves rather than be killed.

Q. Well, as a general rule, it is too late for a man to use arms after he is fired upon. Were your instructions to your men that they had to be fired upon before they could return the fire? A. There has never been a case where that has not been the case that I know of. They have always been assailed first. If a man is standing on top of a freight train and another man is standing upon a bank above him, and he takes a boulder and throws it down on him, he might as well shoot at him with a rifle bullet.

Q. Would it not be too late to shoot the man after he had thrown the boulder? A. I think if the man got away it would not be too late.

Q. What is the use of a man being armed if it is not for the purpose of preventing these assaults? A. They are to defend themselves with.

Q. It seems to me there is an inconsistency in your statement. You say that your men are armed for the purpose of defending themselves, and yet you say they are not to defend themselves until after they are fired upon. Now, down in my part of the country it is gen-

erally too late for a man to defend himself after he is fired upon ; he is generally *hors de combat* afterwards ?

A. There is quite a difference between where you live and up here, although the law may be the same.

Q. Then they are not as good shots here as they are down there ? A. No ; I do not think they are. In fact, if the firing at Homestead had been done to kill, there would have been a great many more people killed than there were. I have no doubt if the men had wanted to use those arms they would have obtained possession of that yard, but they would have had to sacrifice a great many more lives to do it.

Q. You also stated you served the New York Central Railroad. How many men did you have in the service of that road during the strike ? A. Possibly 350.

Q. Were those men considered as employees of the company, or your employees ; from whom did they get their orders while they were in that service ? A. Well, they got their orders from me.

Q. Were they sworn in as peace officers ? A. Yes, sir.

Q. Well, after having been sworn in as peace officers, did they continue to get their instructions from you ? A. Yes, sir ; and the sheriff was in consultation——

Q. The sheriff was in consultation ? A. Yes, sir ; at times.

Q. Yet you say you continued to give orders to the men ? A. Simply in regard to the protection of the property and the protection of the employees.

Q. Now, by what legal authority are you advised that you have the right to instruct a sworn officer of

the law; you had no official position, had you? A. I was sworn in.

Q. Were you sworn in also? A. Yes, sir.

Q. In what capacity? A. As a peace officer.

Q. What sort of a peace officer? A. A deputy sheriff.

Q. Then I suppose you got your orders from the sheriff and gave them to the men? A. Yes, sir; I got orders from the sheriff and I also gave orders to the men.

Q. Did you have any participation or did your men have any participation in the strike which occurred at St. Louis two years ago? A. No, sir.

Q. You did not? A. No, sir. You mean where the trouble was on the bridge—what was known as the Missouri Pacific strike, where the trouble was on the bridge?

Q. Yes. A. No, sir.

Q. Are those two strikes, the Chicago, Burlington and Quincy and the New York Central, the only strikes you have had connection with in the last six or seven years? A. No, sir; we have had connection with a good many strikes.

Q. Well, railroad strikes? A. I mentioned, I think, the Lake Shore, and the one I did not mention at the time was the Delaware, Lackawanna and Western.

Q. State if there has been any instance in which you have furnished men as guards or policemen under such circumstances as have been detailed unless they have been sworn in as deputy sheriffs; in other words, have you made it a rule that your men shall be sworn in as deputy sheriffs? A. We made it a rule. Possibly at some point on the Burlington road where there was no

trouble the men have acted as watchmen without being sworn in, but only at those points where there has been no trouble.

Q. You have stated that three men were killed by your people in these strikes, and I have been requested to ask you if you know of any women who have been killed? A. Never, to my knowledge; there never was. It was stated in the papers that was so, but it is not a fact. It was stated that women were killed at Albany, but that is not the fact.

The CHAIRMAN: Have you any women detectives in your employ?

The WITNESS: No, sir.

By Mr. BOATNER:

Q. How many similar agencies are there to yours in the United States, or are there any others of which you know? A. There are a very large number of what they call private detective agencies in the United States, in New York, and all the large cities.

Q. Are there any other agencies besides yours of which you know which furnishes men, such as you furnish, to aid corporations in resisting strikes or maintaining lockouts? A. There have been other agencies who have furnished men to do this work.

Q. In late years? A. Yes, sir; in the Lake Shore strike before we took hold of it there were other parties contracting to do the work.

Q. Can you state any other such agencies? A. Well, there was a firm called Mooney & Boland, of Chicago, who furnished men for the strike; also in the street-car hands' strike in Chicago, and the Lake Shore. There are other parties who are not known as

being in the detective agencies who have contracted to supply men in small numbers as watchmen at different points. That is men who have been officers. There is an agency called Field's who have supplied men to some roads there in the Northwest and to mining companies in the Northwest.

The CHAIRMAN: Have you furnished any men in the case of the troubles in Idaho which are now going on there?

The WITNESS: No, sir.

By Mr. BYNUM:

Q. Is your organization in the form of a corporation or a mere company? A. It is a copartnership.

Q. You have stated fully, I presume, the object of that copartnership? A. It is for the carrying on of the general detective business and having a watch force.

Q. What was the object of your furnishing men; for what purpose have you furnished men to railroad corporations transporting interstate commerce and carrying the mails; in other words, I want to know what was the object for which these men were furnished? A. In strike work, strike troubles.

Q. Well, at any time, what was the purpose for which they were employed? A. Well, of course we do other work for railroad companies outside of strike work; we do detective work.

Q. But in strike work, say? A. Well, we have furnished them for the purpose of protecting the property and employees, for the moving of trains, and seeing that trains were kept moving; for clearing yards of strikers and switch yards and protecting life and property generally, and passengers.

Q. The purpose was for the movement of trains upon schedule time and to prevent interference with them?

A. Always so.

By the CHAIRMAN:

Q. Have you ever supplied men for the interference with the running of trains or the transportation of interstate trade or commerce? A. Never. Our whole work in connection with strikes on railroads has been to raise blockades and move trains, never to stop them.

Q. To allow trains to run on their regular time? A. Yes, sir; where trains have been obstructed by strikers and discontented employees, or for any other causes which might arise during the strike, our duties have been to get the trains started and kept moving, all freight, passenger and mail trains, as rapidly as we can.

Q. You do that for a consideration; the companies pay you, I suppose? A. Yes, sir.

By Mr. BRODERICK:

Q. Where is your principal office? A. Our principal office? We call Chicago our principal office, as that is where we originated from, but the business now is such we call New York and Chicago our principal offices.

Q. You stated, I believe, that it was a partnership; have you never had a charter from any State? A. Never.

Q. Does the law of Illinois require a partnership to be in writing and recorded? A. I think not.

Q. I refer to the articles of copartnership? A. I think not.

Q. Do you know whether the articles of copartnership are in writing or not? A. Yes, sir.

Q. Have you a copy, and could you furnish the committee with a copy? A. I have a copy.

Q. Have you one with you? A. No, sir; I have not seen the articles of copartnership for many years.

Q. Can you state, in substance, the object of the copartnership more definitely than you have? A. Only that the copartnership is for the carrying on of the general detective business and the private watch force.

Q. When you first inaugurated your enterprise, the only object was to establish and maintain a detective agency? A. And a private watch force. I think the agency was started in 1850 by my father, and in 1857 he established a private watch force; that is what we call the merchant's force, to watch stores, banks, and private residences.

By the CHAIRMAN:

Q. Allan Pinkerton was the father of you and William A. Pinkerton? A. Yes, sir.

Q. You and he are brothers? A. Yes, sir.

By Mr. BRODERICK:

Q. The original purpose was to establish and maintain a detective agency? A. Yes, sir; that was the original idea at the time it was started.

Q. But the scope of your organization has been enlarged? A. Yes, sir.

Q. Are you required to report, or do you report to any authority in the States where you operate? A. When we are sworn in, if at any time we are sworn in, we report; if not, no, sir.

Q. Have you ever been subject to the order of the governor in any State in which you have operated? A. Occasionally. If we serve the governor's warrant

we are supposed to report on it, and we do report on it; that is, in criminal cases.

Q. Have you ever been authorized by the governor of a State to do anything other than serving of a warrant? A. Yes, sir.

Q. What other service have you been authorized to do? A. Our men have been sworn in as coal and iron policemen under the State law.

Q. In what State? A. In the State of Pennsylvania. I think we organized the first coal and iron police in the State of Pennsylvania at the time of the Molly Maguire troubles.

Q. The governor there exercises some control and authority over the police? A. Over the coal and iron police; that is, their commission comes from the governor.

The CHAIRMAN: There is a statute there which authorizes the governor to appoint men railroad police, and coal and iron police?

Mr. BRODERICK: I have understood there was.

The WITNESS: When I spoke of his swearing us in I referred to our men, our employees.

Q. From what State were those men brought to serve as coal and iron police? A. When the coal and iron police were first organized the men came from Chicago and part of them from Philadelphia. At that time it was not probably known that they were our men. I do not know whether the governor understood they were our men or not.

Q. Has your association ever been recognized as an association by the governor of any State? A. Only to the extent we have been working for the governors of different States; we have done a great deal of this work.

Q. What sort of work? A. Detective work.

Q. Nothing more than detective work? A. Detective work.

By Mr. BOATNER :

Q. Is it true you were employed to police this city, or to assist in policing this city, at the last inauguration?

A. To this extent—that I selected a number of men who were brought in from the outside, from the different cities, for the purpose, during the inauguration, of picking out thieves, pickpockets, and confidence men, but only in the detective line ; in no other way.

Q. At whose suggestion? A. I think it was the board of police.

Q. The strikers, I believe, or Mr. Weihe, who is a representative of the Amalgamated Association, claimed that the methods of the strikers are purely peaceable ; that they only persuade people not to accept the positions which they vacate, or from which they have been locked out, and that they did not encourage any sort of violence or countenance it. Now, I understand you to say your men are never authorized to use arms or force until they are attacked, and I want you to explain to us how you and your men and the strikers get together under these conditions? A. Well, I never knew a strike in my life, and I have seen and had to do with a great many of them, where these labor organizations have not taken hold of non-union men who wanted to go to work and caught them and beaten them. I have seen men's faces beaten into a jelly ; I have seen men knocked off freight trains and shot off the top of freight trains ; I have known of strikers, members of this very Knights of Labor, putting obstruc-

tions on the tracks to throw off trains moving on the railroad at night time, on a part of the road where they run the fastest down an embankment, and where there were nothing but sleeping cars on the train ; I know of members of this same Knights of Labor who have been convicted and sent to State prisons for that very offense. I have seen men who wanted to work treated worse than savages by those very representatives of these secret labor organizations, and there has never been a case, and they cannot cite a case, where they have not been the means of bringing on trouble, and I notify them to do it if they can. I have known of them putting, in the strike at Chicago—the iron strike—where stoves were molded, high explosives in the molds so that when the hot iron was put in the molds it would explode. On the Chicago, Burlington & Quincy strike members of this very organization were arrested and convicted for putting dynamite under cars. There were two trains wrecked on the Central road, one a fast express on the way from Chicago, and the men who committed these acts were convicted, and they were members of the Knights of Labor, and they confessed they were furnished money by the Knights of Labor.

Q. There is one other question I wanted to ask you. Knowing the hostility of the Knights of Labor people and organized labor generally to your force, and knowing that in all probability sending your men to Homestead would result in a collision, why did you send them there without the authority of the officers of Allegheny County, and without stipulating that they should be qualified as officers before they approached the Homestead works? A. I stipulated that as far as possible. I had no reason to know that our men would go and be

assaulted ; we supposed our men would be landed on that property without assault.

Q. You only supposed that because you would slip right in there without the strikers knowing it? A. We expected to get them in there without being noticed.

Q. You knew you could not get them in over any of the railroads and that they could not be brought there by daylight, and therefore you tried to get them in there at night? A. Yes, sir.

Q. That shows you were fully aware that an effort to send them there would result in a collision. Now, why did not you see the sheriff or some other legal officer of that county, and have your men, if they were going to send them there, qualified as officers of the State of Pennsylvania? A. That is what we did do.

Q. Did you see the sheriff? A. No, sir ; the Carnegie people did.

Q. You took the word of the Carnegie people for it? A. Yes, sir ; the sheriff, I believe, testified to it.

Q. But there is a difference in the testimony. Did you see any one there, or seek the sheriff, or any other officer of the county of Allegheny, to have him authorize these men to be sent there? A. No, sir.

Q. Have you got any such paper in your possession? A. No, sir ; from the sheriff, no sir.

Q. Or any other officer? A. No, sir.

Q. Then you merely accepted the verbal statement of the Carnegie firm? A. Of their representative.

Q. And you acted entirely upon their representation? A. As they represented it to me.

By the CHAIRMAN :

Q. How many detectives did you furnish here in

Washington at the last inauguration? I understood you to say you furnished some. A. I think we furnished anywhere from sixteen to twenty. They were detectives selected from different parts of the country, as I say, for the purpose of keeping away thieves.

Q. With whom did you contract to furnish those men? A. There was no contract, as you might call it—that is, a signed contract. It was simply a notice sent.

Q. Somebody paid for it? A. Yes, sir; it was paid for by the order of the Board of Police Commissioners.

Q. And application was made by the chief of police? A. I could not say whether application first came through the chief or secretary, but they have the letters which would show, I suppose. It was somebody in authority there, and I think the board authorized them to be employed.

Q. They were here for duty only as detectives? A. Yes, sir; to pick out professional thieves who gather where great crowds gather at any time, and they arrested, I think, about forty.

By Mr. BOATNER :

Q. Did you ever detail any of your men for services as Knights of Labor? A. Well, not services as Knights of Labor. I suppose we have got men who have been members of the Knights of Labor.

Q. My question was whether you ever detailed them to become Knights of Labor, and to serve in that direction? A. Well I——

Q. You may be like Mr. Frick, and it may be a secret which you do not care to give away? A. If I can I should prefer not to answer that question.

The CHAIRMAN : That would go into one of the private methods of transacting your business.

The WITNESS : Yes, sir—that is, the detective part of it.

By Mr. BYNUM :

Q. Those detectives you furnished here at the inauguration I understood you to say were simply furnished to detect thieves, etc. That is the custom in all the great cities in the country, where large crowds gather together? A. Yes, sir; where unusual crowds gather together.

Q. Where the municipal authorities in those localities call on the police officers from different cities, who are acquainted with professional thieves? A. They make what they think is the best selection, and that is the only work that we have done in the District of Columbia that I know of.

Q. You say you know of only three persons having been killed by your men? A. Yes, sir.

Q. Do you mean the only persons killed where your employees were engaged? A. Yes, sir.

Q. How many men were killed at the coke strike? A. None, I think.

Q. How many people were killed at the Connellsville strike? A. I do not remember of anybody being killed there—that is, killed at the time. Of course, men might have been killed by railroad trains or something of that kind, but I do not remember it.

Q. Do you know of any one having been killed in a collision between your men and strikers? A. No, sir; not there. Our watch service and our detective service are entirely separate; the detective business is one thing and the watch is another, and they are the same as two different institutions.

Q. I understand that. The watch service finally grew and developed with the necessity for sending watchmen to protect property? A. Yes, sir; these men who go out on strike work—the papers call them detectives, but they are none of them detectives—they are simply watchmen, as none of the detectives go on that kind of work.

By Mr. BRODERICK :

Q. You spoke of furnishing the last inauguration with some men. Has that been the custom heretofore, or has this been the only case? A. I think on one or two previous occasions we have furnished men, but not to the extent we furnished them at this time, on this last occasion; and whether it was because their services were satisfactory on the previous occasion, I cannot say, but on this last occasion it was given to me to select the men who were to be brought from the outside.

Q. Do you remember on what other occasion you furnished them, or what other inauguration? A. Well, I suppose it was the one before that.

Q. The one before the last? A. It was either that or when there was some large crowd of people here, but that was only two or three men, and on the last occasion we furnished, I think, anywhere from 16 to 20.

Q. You furnish men to State fairs and gatherings of that nature? A. Yes, sir; where we are applied to.

By the CHAIRMAN :

Q. You say you do not employ any women? A. We do as typewriters and clerks.

Q. Not as detectives, nor in the guard business? A. No, sir.

Mr. BOATNER : I suppose if women possessed the

necessary qualifications you would not debar them on account of their sex?

The WITNESS: We do not employ them. Those who want to go into detective business are sort of unreliable, and you cannot depend on them, you cannot bet on them.

By the CHAIRMAN:

Q. Here is a statement which you and your partner furnished to this committee. I see by the character of it that you could not testify to all of it because a good deal of it is argumentative. Do you swear that the statement of facts which it contains are true? A. Yes, sir.

Q. And you desire it to go along with your testimony as a statement of your case? A. Yes, sir.

By Mr. BOATNER:

Q. There is one single question I want to ask, with the chairman's permission. Do you conduct your business in any State where the laws of the State prohibit it, as far as you know? A. I do not exactly understand the question. I do not know of any State which prohibits our carrying on a detective business.

Q. That is what I wanted to get at; but what I mean is, in the way of furnishing bodies of men for the protection of property in case of strikes or lockouts such as you have named, have you been stopped from the business by the officers of any State? A. No, sir.

Q. As being contrary to the laws of the State? A. No, sir.

Mr. BYNUM: The only laws which have been passed are those which prohibit police powers being conferred upon others than residents of the State.

The WITNESS : That is it ; residents of a county.

Mr. BYNUM : That is a law of Indiana, I believe.

Mr. BOATNER : Have such laws been passed in some counties ?

Mr. BYNUM : Indiana has a law which prohibits them from conferring police powers on any others than residents of a county, and he must be a resident for a stated length of time.

By the CHAIRMAN :

Q. What is your method of recruiting men for this service as guards or watchmen ? A. Well, take for instance, the Carnegie strike. There are all the time constantly applying to us parties who want employment as watchmen or detectives. Each one who applies is furnished an application, a printed application, and he writes out his application. These application blanks ask certain questions, which are to be answered. He writes out his application, and on the margin of the application the superintendent or assistant superintendent, who has examined the man, must state what his impressions are in regard to the man as he sees him and talks to him. If at any time we propose to employ that man we then go into his references, which he gives in his application. For instance, in the Carnegie strike, if we wanted more men than we had ourselves we used those applications. We went back to those applications. We sent for the men to explain what we wanted them for. If they wanted the employment they took it. If they did not want it they did not take it. It has been stated I advertised in New York ; I did not do that.

Q. How many of the 310 or 312 men there were your

regular employes, or what portion were recruited who had not served you before? A. I think two-thirds fully were men who were in our employ, and had been in our employ, and whom we knew. The others were men who had been got on these applications to us and whose references we looked into.

Q. One of the witnesses who testified before us, Mr. Kennedy, a boatman, who was on the barge, testified that not more than 40 or 50 of your men were on the deck of the barge and fired at the time when the strikers on the shore or the mob were firing; that it was a sudden fusillade and both parties ran; the strikers on shore fled in every direction, and your men ran back into the barges and hid; many of them stating when he suggested to them just afterwards that they might go out and take possession of the property that they did not come there to fight; that they only came there to stand guard; and he said, furthermore, that he never saw such cowardice in his life. What do you say in regard to that? A. I have heard the stories in regard to the matter. I have also questioned the officers who had charge. They stated to me they could have taken possession of the yard right at the start, almost any time before 10 o'clock, with 50 or 75 men, but they would have had to kill a number of people, and among them women and children, and they concluded not to do anything of the kind. They say the force down there was firing over their heads and it—

Q. Over whose heads? A. Over the strikers' heads—and it goes to show that must have been so or there would have been more killed than there were.

Q. What kind of arms did your men have? A. Winchester rifles.

Q. They are powerful weapons? A. I understand at the start there were not over 20 men who were given arms, and afterwards when the thing got to be pretty hot there were about 40 men armed; but when it started there were not over 15 or 20 armed.

Q. The testimony was they were getting arms out after they had seen this hostile demonstration and some shots had been fired at the boat coming up the river, and that they were unboxing their arms when the boat landed? A. That is the way I understand it.

By Mr. BRODERICK :

Q. Are there similar agencies to yours in this country? A. There are large numbers of detective agencies. There is hardly a city of any size in the country that has not got them.

Q. Do you know whether any private agencies are chartered by the State? A. Some are, I think. I am not sure of that. I think that is so.

Q. Are they generally organized——

The WITNESS (interrupting): That is what we call a license.

Q. Are they generally organized and incorporated like yours? A. We are not incorporated, sir; we are just a copartnership.

Q. That is the rule, is it, simply to form a partnership? A. Some are incorporated and some have licenses to operate.

By the CHAIRMAN :

Q. Yours is simply a private partnership between you and your brother? A. Yes, sir.

Q. In the case of the New York Central Railroad strike did you have any correspondence with any officers.

of that company prior to the employment of your men ?

A. Oh, no ; I think it was all done by personal interviews.

Q. With what officers or employees of the company or agents ? A. Personally I was up on the line of the road attending court in a burglary case when the strike came on the Central Railroad, and it was not expected at all ; it was very sudden. It came on within two or three hours when the order making the strike was given and the trains were all tied up, and as soon as I could get to Albany I went there to get directions from New York by telegraph, and I stayed at Albany during the whole strike.

Q. From whom did the telegram come ? A. Mr. Bangs, who was our superintendent in New York ; he was in consultation with the officials of the railroad.

Q. Who were the officials of the railroad who negotiated for the employment of your men ? A. I think that Mr. H. Walter Webb, the vice-president, was probably the one who did it, but I did not see him until after the strike was over, or rather, I saw him when he came up the road on one or two occasions, but I stayed in Albany and was not in New York.

Q. Have you the letters and correspondence touching the matter of your employment, or any directions, printed or written, or contracts in writing which you can furnish ? A. From the officers of the company ?

Q. Yes ; between you and them ? A. No, sir ; there was nothing of the kind.

Q. The negotiations you say were not carried on by written correspondence ? A. No, sir ; it is simply an understanding.

Q. Did your employees come into collision with those

strikers of the railroad, and was there any killing done on either side? A. We had two men killed up there, but I will say there were no men killed on the strikers' side. These men were not killed either by the strikers. They were killed by the railroad trains while they were patrolling along the tracks at night time.

Q. You testify that your men did not kill anybody there? A. Not a one.

Q. Never have killed but three except in the matter of train robberies? A. Outside of the Homestead strike.

Q. I mean up to the Homestead strike; is that your testimony? A. Yes, sir; that is my recollection; three is the limit in twenty years.

Q. You say that during the years you have been in the business that some of your men have been indicted and tried for shooting or for assaults, but you have never had one convicted by a superior court or on final trial? A. Before a jury; no sir.

Q. Never had one convicted? A. No, sir; not one.

Q. They have always been acquitted? A. Yes, sir; they have always been acquitted.

WILLIAM A. PINKERTON, sworn and examined.

By the CHAIRMAN:

Q. Please give your place of residence? A. 196 Ashland Avenue, Chicago.

Q. You have heard the testimony of Mr. Robert A. Pinkerton? A. I have.

Q. You are a brother of his? A. Yes, sir.

Q. And business partner? A. Yes, sir.

Q. What do you have to say as to the statement he has made as to the business that you are engaged in

and the manner in which it is carried on? A. I should verify his statement, sir, in every particular. One thing he appeared to neglect, and that is the question of riding men on trains which probably——

Q. Will you state about that? A. Well, off and on for the last twenty-five years all over the United States, particularly in the west and southwest, we have furnished men to guard against the attacks of train robbers. We have furnished men to act as guards to express messengers and take care of their money.

Q. How many railroad strikes and strikes of other corporations do you remember that you have furnished a guard or detective force, and when and where was it and the extent, to the best of your recollection? A. Well, in the Burlington, Lake Shore and Michigan Southern—they were the two which came under my personal observation—and the Union Pacific.

Q. In what years? A. Well, the Union Pacific matter was nearly eight years ago, the Burlington was about four years ago, and the Lake Shore about five years ago. It was a switchmen's strike on the Lake Shore Railroad.

Q. Did you furnish armed men to those corporations, and if so, about how many to each? A. Well, I do not recollect now, but it might have been between 200 and 300 in the employ of the Burlington. In the Lake Shore and Michigan Southern there were probably anywhere from 75 to 90 men, but they only went to work after the road had been blocked up for five days and not a wheel turned on the road.

Q. What did they go there to do? A. To open up the yards, clear men out of the yards who did not belong there, allowing engineers and firemen to go on the

trains unmolested to pull the trains out. For five days there had not been a train taken away from there.

Q. In doing that did you shoot anybody or were they shot by anybody? A. They did not shoot anybody.

Q. Did they have any personal collision or conflict or blood-letting? A. Well, up in the town of Lake there were three men caught turning a switch, which was for the purpose of wrecking a train which was due, and the men were caught and resisted, and they fought when they attempted to make them prisoners, and they were handled with a night stick. The town of Lake was then on the outskirts of Chicago and is now a part of Chicago.

Q. Do you know of any instance where your men in the employ of corporations, companies, or private individuals have taken life or killed anybody? A. Well, the three instances which my brother mentioned are all I recollect. We canvassed the matter over together.

Q. Do you know the names of those men and where those killings occurred? A. I know the name of one of them, and the other occurred down in New York, and we are not sure in regard to the third one, even, and that took place down in Ohio, in the Hocking Valley coal strike nine years ago.

Q. Were your men tried or indicted for the killing of either one of those three men? A. The men in Jersey were indicted and tried and acquitted. The men in Chicago were arrested, and after examination before a magistrate the case went to the grand jury, and the grand jury returned no bill.

Q. How about the Ohio case? A. There was never any one punished for that.

Q. No trial had there? A. My recollection of that is, it was a charge of shooting and not of killing, but I will not be positive. I think there were only two, the case in New Jersey and the case of the Union stock yards in Chicago.

Q. What was your practice in regard to sending out men with guards? Do you send them armed or box up their arms and send them along with the men, or do you depend upon their employers to furnish arms? A. Well, the way we got the arms in the first place was the employers bought the arms.

Q. In what case do you refer to? A. Well, this is one; two or three different cases, where they bought arms in small quantities, and when it was over, the arms were thrown on their hands, and they said, "What will we do with them"; so we bought them up in that way, and latterly we have furnished the arms.

Q. What amount of arms and the character of them belong to your company? A. Well, we had about 250 or 260 rifles.

Q. Enfield? A. No, sir; Winchester; and I think between 400 and 500 revolvers of all sizes and all kinds.

Q. You divided your arsenal and kept some at one place and some at another? A. They are all kept at Chicago.

Q. That is headquarters and the arsenal or arms are kept there? A. Well, as you like; the arms were there.

Q. Do you keep on hand a good supply of ammunition? A. No; it is not necessary; you can buy that at short notice.

By Mr. BRODERICK :

Q. You stated you owned some arms which were kept at Chicago; are your men drilled? A. No, sir; not with arms; not at all, and never have been drilled. All that is newspaper talk in which there is no truth, and as a matter of fact they have never been drilled.

Mr. ROBERT A. PINKERTON: Where there has been a strike and they go armed they went through a certain drill.

The WITNESS: But at the headquarters of the organization there has never been anything of the kind.

Q. There has never been any drilling of arms? A. No, sir; nothing of the kind in the world.

Q. Any drilling without arms? A. The patrol force in Chicago amounts to upwards of 100 watchmen now; they are drilled in the method of marching, etc.

Q. Some of your men have been with you a good many years? A. Yes, sir; a good many of them.

Q. About what proportion of your force have been with you two years or more? A. Well, sir, I should judge four-fifths of the men have been with us for five years or more, and from that up to thirty years.

Q. How are they paid? A. Paid a salary, sir.

Q. Monthly? A. Weekly.

By Mr. BYNUM :

Q. There is one question I will ask, to see if I understand the testimony of you and your brother. In cases where you furnish men as watchmen, your instructions have been that they shall only use force to resist force? A. That is right.

Q. And only so much as to protect themselves? A. Yes, sir. I have always told them in going away, and

when I have been present myself, that because a man blackguards and throws a stone, and women use a stick or stone, that is not occasion to go back at them, but to try to get along without any trouble, and never more so than in this last case.

By the CHAIRMAN :

Q. Part of the men who went to Homestead were sent by you? A. Yes, sir.

Q. What number? A. Well, there were over 100.

Q. You shipped the arms from Chicago down there, did you? A. Yes, sir.

Q. Was that a part of the contract? A. I do not know anything about the contract personally, sir; that was not made with me; but I shipped them under instructions from New York; boxed them up and sent them to the Union Supply Company. I did not know they were even on the boat, and there was no intention to put them on the boat, and I was surprised at their being on the boat, and the only reason that that was done was because they could not get anything on the company's property.

Q. What is the general character of the men you employ and use as watchmen? A. Good.

Q. Are the men of good character? A. Yes, sir; they cannot get there unless they are, either. They must be sober, industrious, reliable men.

Q. You say you would not employ men of doubtful character or bad habits? A. No, sir; we never have.

Q. How do you ascertain when you are employing your recruits as to their reliability? A. The same way a bank president would ascertain the habits of a clerk in regard to reliability, by making him give references

and looking up the references and examining to see if he is all right.

Q. Does that habit prevail—is this the practice in all your offices? A. Yes, sir.

Q. That has been your practice heretofore? A. Yes, sir.

Q. Are you or your brother regarded as the head of the firm? A. Neither one; it is a copartnership.

Q. All of these other offices have to be operated under your direction and head? A. Under our head. He takes the Eastern one, and I take the West.

Q. Have you ever furnished any men to prevent railroad trains from running, and obstructing them? A. Never in the world.

Q. Or to prevent any particular class of men from working in a factory, or furnaces, or mines? A. Never, sir.

Q. Then for what purpose do you hire and furnish men to these various corporations? A. To protect property and life.

Q. And to enable them to pursue—— A. (Interrupting.) To enable them to conduct their business without interference; that is, unauthorized interference.

Q. Did you ever see that book before (handing book)? A. Yes.

Q. What book is that? A. This is an ordinary time book.

Q. Used by whom and for what purpose? A. By us.

Q. Used by your firm of Pinkertons? A. Yes, sir.

Q. To keep the time for the men in your employ? A. Yes, sir.

Q. Is that a list of the names of the men who went to Homestead? A. Some are in there which I recog-

nize. I think that is an old list, sir, of men that have been used at fair grounds or race tracks, although there is quite a number of men there I know who are among the number that went to Homestead.

Q. That book, then, was a book with which the accounts of men in your employ were kept? A. Yes, sir; the same as an ordinary time book would be kept as to how many days the men worked.

Q. The entries in that book seem to be the time of men in 1890? A. It is an old book, probably taken along for the purpose of filling up, that is all. There is nothing relating to anything very recent in there.

Q. That book was said to have been captured when the men surrendered at the barges? A. I do not doubt it, sir.

Q. Do you recognize any of those names (handing sheet)? A. Yes, sir; I know the handwriting.

Q. Whose handwriting is it? A. It is in the handwriting of one of the men who was shot there; his name is Hoffman. I suppose he appeared before the committee, as he was supposed to appear. These things here (exhibiting blank) are forms of pay orders. If a man is away from home and he wants to send the money to his family he fills up a duplicate and sends it to the office, to be paid to whom he pleases, and the office turns it over to whoever he wants it turned over to.

By Mr. BRODERICK :

Q. Have you any means of giving the names of those who were at Homestead, all of them? A. Yes, sir.

Q. Can you furnish the list? A. I guess I could furnish the list from Chicago.

Q. You have no means of doing that now? A. No sir; I could not give it here; no, sir.

Mr. ROBERT A. PINKERTON : There is one thing I want to explain to the committee, and that was in regard to the answer that has been given that we have employed no one whose character was not all right. That had reference to strike work, and that answer is correct. There have been occasions in bank robberies where we have bought information from criminals, and where we have used criminals where we have been obliged to do it, and where the men have had bad characters.

Mr. BYNUM : That is in the detection of crime and not as peace officers ?

Mr. ROBERT A. PINKERTON : Not as peace officers ; no, sir.

By the CHAIRMAN :

Q. (To Mr. ROBERT A. PINKERTON.) Do you testify that you sent out as guards or watchmen men of good character? A. As far as we are able to investigate they are, and I do not believe you can find any instance where that is not the case. They have been called thieves, thugs and ex-convicts, but they cannot cite a single case of that.

Q. I do not know of any complaint of your work within the province of detective work ; it is only where you have furnished these guards or watchmen. A. I also desire to state, as far as we are personally concerned, that we have no feeling against labor organizations and never had, and all we have ever done in connection with labor work or with these strikers is simply to protect life and property. We have no quarrel with labor organizations. I believe that labor organization is a good thing, and I believe if a man wants to strike

he has a right to strike, but if a man wants to work he has a right to work, and a labor organization has no right to interfere with him ; but we have no quarrel with any labor organization that I know of, and we have no feeling against them.

Q. And you carry on the business which you have described, as a matter of course, for the money that is in it for you ? A. Yes, sir ; as a matter of business.

By Mr. BRODERICK :

Q. About what proportion of your men which you have employed are citizens of the United States ?

The WITNESS : All of them. I take it all of them are ; I do not know of any who are not.

By Mr. BOATNER :

Q. Do you inquire about a man's citizenship when he applies to you for work ? A. Yes, sir.

Mr. WILLIAM A. PINKERTON : You are referring to watchmen ?

Q. Yes, sir. Where you are sending out men like those in this Homestead case.

Mr. ROBERT A. PINKERTON : They have all got to be citizens as far as we know.

Q. Do these strikes furnish you with a considerable part of your business ? A. No, sir ; it is an outside branch of the business entirely.

The CHAIRMAN : The detective business pays better than that ?

Mr. ROBERT A. PINKERTON : We have never looked for any strike work ; but it is something which has grown up on our shoulders.

Mr. BOATNER : I suppose you take that sort of employment from a sense of duty ?

The WITNESS : Yes, sir.

Opinion of the Hon. George Ticknor Curtis, on the legality of the employment of detectives in the Homestead strike:—

“North American Review,” September, 1892.

The editor of “The North American Review” has requested me to give my opinion on “the legality of the employment of Pinkerton detectives in such cases as the Homestead strike.” The inquiry relates to other cases similar in all material respects to the recent occurrences at Homestead, at Pennsylvania. It also involves the relations of employers and employed in all similar branches of manufactures; the relations between the owners of mills, factories, etc., and the workmen whom they employ. A great deal has been written on the relations of capital and labor, and written to very little purpose. It is, however, not difficult to define the rights of property owners or capitalists on the one hand, and of workmen on the other; nor is it difficult to determine what society—by which I mean the legislative power—owes to each of them respectively.

The matter of the Homestead strike has been very much simplified by the statement made by the Messrs. Pinkerton on the 22d of July to the Judiciary Committee of the United States Senate. It appears that for the past twenty years what is called the Pinkerton agency has been a private concern, which has furnished detectives for the discovery of crime, and watchmen to guard the property of individuals and corporations during strikes. The men who have been so employed were not public officers or officers of the law, unless in a particular case they were made so by some public authority. They were like any other private individuals employed as watchmen to protect private property from

the violence of a mob, from burglars, or any similar danger. They had the same rights of self-defence and the same right of defending the property of their employers.

Homestead is a borough on the Allegheny River, ten miles from Pittsburg. It contains about 10,000 inhabitants. Most of the male inhabitants are employed in one capacity or another, either as skilled or unskilled laborers, in the iron and steel manufacturing establishments. Their wages were exceptionally high. There exists among them, as there exists elsewhere, what is called a "trades-union." This is a body of workmen banded together for the purpose, among other things, of keeping up the price of labor, and, by means of a strike, of coercing their employers, when the latter do not accede to their terms. A strike is a concerted and sudden cessation of work at a given signal or order, issued by the authority of the union, in whom the power to issue it is vested by the members. Sometimes this authority is a single individual; sometimes it is an advisory committee. In all cases, when a strike is ordered, work ceases at once, to the great injury of employers and employed.

In the Homestead case, the existing agreement between the Carnegie Steel Company and their workmen about wages, had run out. Mr. Frick, the managing agent of the company, had an interview with the men, and offered a new scale of wages. This the men refused to accept. Mr. Frick then closed the mills. After this the workmen seized the mills, excluded the owners from their property by an overwhelming force, and prevented the employment of non-union men. Obviously, it was indispensable that something should

be done to restore law and order, and to reinstate the owners of the mills in their property. The local officer of the law, whose duty it was to do this, was the sheriff of Allegheny County. His means consisted only of special duty sheriffs appointed from the citizens at large, and sworn in as a temporary and extemporized force. In a population consisting largely of the striking workmen and their sympathizers, a force adequate to do what had to be done could not be obtained.

Thereupon the Carnegie Steel Company applied to the Pinkerton agency for a body of watchmen to protect their property. The agency refused to supply the men unless they should be sworn in as deputy sheriffs before going to Homestead. The account runs :

“The Agency was then assured that the sheriff of Allegheny County knew that the men were going to Homestead to act as watchmen to guard the property of the company, and that the sheriff had promised immediately upon any outbreak or disturbance to deputize all the Pinkerton watchmen as deputy sheriffs. On that condition only the agency consented to furnish about 300 watchmen. A large number of these were regular employees of the agency, who could be thoroughly trusted for integrity, prudence and sobriety. The sheriff's chief deputy, Gray, accompanied the men.”*

The men were sent down the Allegheny River on barges. It is immaterial whether there is or is not a law of Pennsylvania which prohibits the sending of a body of armed men into the State for any purpose. I understand that there is no such law in Pennsylvania, although there is such a law in some of the New England States. But the Pinkerton men were within

* Statement of Mr. Robert A. Pinkerton to the Judiciary Committee of the United States Senate, July 22, 1892.

the limits of the State before they were armed or needed to be. The boxes containing arms and ammunition were shipped from Chicago, *and were to be delivered at the Homestead yards.* These boxes, on board the barges, were not opened and the contents distributed until after the strikers had begun firing from the shore on the watchmen and it had become an evident matter of self-defense. Klein, one of the Pinkerton watchmen, had been killed by the strikers, and about five other men shot and wounded before the Pinkerton men began their fire in self-defense. Then it was impossible to shoot those firing from the shore at the barges, because the strikers had made a breastwork for themselves by placing women and children in front and firing from behind them.

The Pinkerton men were obliged to capitulate before they were allowed to land, and even then they were not permitted to go to the mills which they had been employed to protect. They were conducted by an overwhelming force of the strikers to Labor Hall, the place of meeting of the strikers. There they were made to promise to quit Homestead and never again to serve the mill owners. On their way from the hall they were insulted and brutally assailed by a mob, among whom the women were the most violent. They were withdrawn from the State by the agency, and thus the whole object for which they had been employed was prevented.

Under these circumstances, the sheriff of Allegheny County applied to the Governor of the State for a military force. The Governor declined to order out any of the troops of the State, until the sheriff had exhausted his means of restoring law and order by the

appointment of special deputies. The sheriff made an ineffectual effort to do this, but the citizens responded in such few numbers that it would have been idle to rely on the civil arm alone. When the Governor was officially informed of this, he ordered out the entire division of the State militia, about 6,000 men, under General Snowden, a capable, prudent and experienced officer. The troops were marched to Homestead, and encamped on a hill that overlooks the town. It is only necessary to say, concerning this part of the history, that at the time at which I am writing there is every prospect that the strike will be completely put down, and thus the State of Pennsylvania will have rendered a great service to the whole country, employers and employed, capitalists and laborers.

On the indubitable facts of the Homestead case, which I have taken great pains to gather from authentic sources, I have no hesitation in expressing my opinion, as follows :

First, That the owners of the mills had a perfect legal right to employ any necessary number of men to defend their property.

Secondly, That all the acts of the Pinkerton men at Homestead were lawful ; and that, as watchmen, they had a right to bear arms on the premises of the Carnegie Company in order to protect life and property, whether they were or were not deputized by the sheriff of Allegheny County ; and that the agency had the right to ship arms for such purposes from Chicago to the Carnegie yards at Homestead ; and that, in view of the attack on the barges, the watchmen had the right to bear arms and defend themselves ; and that all their acts in firing in self-defense from the barges after the

attack on them were legally justifiable under the laws of the United States and the State of Pennsylvania.

Thirdly, That the killing of Klein by one or more of the riotous strikers was a murder.

Fourthly, That all who stood by, sympathizing with and encouraging the strikers, or not exerting themselves to prevent the strikers who were armed from firing on the barges, were accessories to the murder.

Having thus answered the question that was propounded to me, I shall devote the remainder of the space allotted for this article to the consideration of the duty of the legislative power in the States of this Union in reference to the whole subject of strikes. The stake that society has in all branches of manufacturing industries and in all the great lines of communication and travel is too vast to permit anybody of men, large or small, on any pretext, to put a sudden stop to production, or to cause a sudden paralysis in the system of daily and hourly intercourse between different communities.

Unfortunately, there is one embarrassing difficulty. Whenever such a disturbance as that at Homestead occurs, politicians at once endeavor to turn it to the advantage of their political party; and men in high places, who ought to be ashamed of themselves, are often found encouraging the strikers, for the purpose of making what is called "political capital." Mr. Carnegie happens to be a Republican in politics, and his works at Homestead are an eminent instance of the beneficial effect of a protective tariff on the interests of American manufacturers and American laborers. For this reason, Democratic papers and politicians of free trade proclivities take the side of the strikers and

endeavor to excite hatred of Mr. Carnegie and his business associates. On the other hand, some Republican papers and politicians are prone to charge the Democratic executive of Pennsylvania with pusillanimous hesitation because he did not at once respond to the call of the sheriff of Allegheny County. Whether we shall ever be entirely free from this disturbing element of politics in reference to this matter of strikes, is problematical. But it is certain that the duty of society remains the same.

The first duty of the legislative power is to emancipate the individual workman from the tyranny of his class. Unless this be done, capitalists can afford no aid to the solution of any labor problem whatever. Of what avail is it that a mill owner or a railroad company is willing to make fair terms with workmen if the state of things is such that they cannot employ whom they please, on such terms as will be agreed to by the men who want employment. It is only by making the individual laborer a perfectly free man that society can do its duty to him and to those who wish to buy his labor for a price that he is willing to take, and which it is for the interest of those who are dependent upon him to have him take.

In opposition to this view, it will be said that the individual workman is a free agent now, and that if he choose to join a trades-union and bind himself not to work for wages less than what the union permits him to take, it is his own affair; he is acting in his own right. There is a wide distinction between the physical power to do a thing, and the moral and legal right to do it. Men have the physical power to commit suicide, but society does not allow that they have a moral or a

legal right to do it. On the same principle the individual workman should not be allowed to commit moral suicide by surrendering his liberty to the control of his fellow-workmen. His labor is his capital, all that he has in the world, all that he and his family have to depend upon for subsistence from day to day. It is to him and them what money invested in real estate, machinery, etc., is to the capitalist. Deprive the capitalist of the power to determine what remuneration he shall derive from the employment of his invested money, and you do the same wrong as when you deprive the laborer of the free power to determine what remuneration he will be content to take for the employment of his capital, which consists of his muscular power and his acquired skill.

These doctrines may not be popular. They may not meet at once with universal acceptance. But until they are accepted and carried out in legislation, there can be no successful reconciliation between the interests of capital and the interests of labor ; no adjustment of the rights of society and the rights of employers and employed.

In order that I may not be misunderstood, I will now draw the line between what it may and what it may not be permitted to workmen to do. Associations of workmen, formed for the purpose of discussing the subject of wages with their employers, of obtaining and diffusing information about the price of labor in different places, and of mutual assistance in time of sickness, are beneficial and should be encouraged. But the trades-unions do not confine themselves to these objects. They transcend the line which divides what they may

from what they may not rightfully do. In this respect they do a double wrong :

First, They bind their members to strike when ordered to do so by the governing authority of the union. Now the right to renounce an employment is an individual and not a corporate right. The corporate body of a trades-union should not be permitted to bind their members to quit work, as a body, when ordered to do so by the governing authority of the association.

Secondly, The trades-unions, as most of them are now organized, prevent non-union men from getting employment, by every species of intimidation, even by personal violence, and sometimes by murder.

This coercion of non-union men, however attempted and in whatever it ends, should be made a crime, and be punished with severity. It is contrary to the fundamental principles of our institutions. The Declaration of Independence says, "we hold these truths to be self-evident, that all men are created equal ; that they are endowed by their Creator with certain inalienable rights ; that among these are life, liberty and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

Be it observed that these are individual rights ; that they are inalienable by the individual himself. We should not permit a man to sell himself into slavery or to sell his own life. He cannot alienate his right to life or his right to liberty. No more should he be permitted to alienate his right to the pursuit of happiness by giving up his power to consult his own individual welfare, in obtaining the means of happiness ; and by putting it in the power of those who are engaged in

the same employment to take the bread out of his mouth. We have emancipated the colored race from slavery; certain portions of our own race need emancipation from a slavery that is just as bad.

GEORGE TICKNOR CURTIS.

The Charge of Chief-Justice Paxson of Pennsylvania, to the Grand Jury of Allegheny County.

23 Pittsburgh Legal Journal, N. S., 106 (October 26, 1892).

A corporation has the undoubted right to protect its property, and for this purpose could lawfully employ as many men as it might deem proper, and arm them, if necessary. It would be an act of unlawful violence to prevent the landing of such men upon the property of the company, and if life were taken in pursuance of a purpose to resist the landing of the men by violence, the offense would be murder.

While a mere mob, collected upon the impulse of the moment, without any definite object beyond the gratification of its sudden passions, does not commit treason, although it destroys property and takes life; yet when a large number of men arm and organize themselves by divisions and companies, appoint officers, and engage in a common purpose to defy the law, to resist its officers, and to deprive any portion of their fellow-citizens of the rights to which they are entitled under the Constitution and laws, it is a levying of war against the State, and the offense is treason.

While the gravamen of this offense is the design of overturning the government of the State, such intention need not extend to every portion of its territory. It is sufficient if it be to overturn it in a particular locality, and such intent may be inferred from the acts committed.

Aliens domiciled within the State, and who enjoy its protection, owe temporary allegiance to it, and are amenable for treason.

Informations for treason having been made against numerous persons who had participated in the strike and riots at Homestead during the summer of 1892, Chief Justice PAXSON, of the Supreme Court of Pennsylvania, sitting as a Judge of the Court of Oyer and Terminer of Allegheny County, delivered the following charge to the Grand Jury :

“GENTLEMEN OF THE GRAND JURY :

The district attorney will lay before you at the present term one or more indictments charging certain parties with the offense of treason against the Commonwealth of Pennsylvania. In view of the gravity of the charge the learned judges holding the present term of the Court of Oyer and Terminer for this county, have invited me to come in and give you some instructions as to the character of the offense, and your duties in regard to it. And that you may know that I am not assuming to act without right, it is proper to say to you that by the express terms of the Constitution of Pennsylvania the Justices of the Supreme Court are made Justices *ex-officio* of the Court of Oyer and Terminer in every county in the State. Notwithstanding this, I would hesitate to act were it not that the situation is so grave, and, it is feared, the law so much misunderstood, that an authoritative exposition of it seemed necessary in the interests of good government. It having required the intervention of the Governor, as commander-in-chief, and the entire military power of the State to restore order, it was considered proper for those highest in position in the judiciary department of the Government, to declare the law in such manner that it may be clearly understood.

The offenses charged in the bills of indictment had their origin in what are popularly known as the Homestead riots of last summer. Many of the incidents of those riots may be properly referred to as a part of the history of the times.

In order that you may the more readily understand the nature of the offenses charged in the bills of indictment, I will refer briefly to some facts connected with those disturbances about which I do not understand there is any dispute.

About the close of the month of June a disagreement in regard to wages arose between the Carnegie Steel Company, at what is known as the Homestead Works, and some of its employees. It is not necessary that I should refer to the details of this difficulty further than to say that the dispute concerned only a small portion of the employees of the company, and those receiving the highest wages. The parties being unable to come to an agreement that was mutually satisfactory, the company closed its works on the 30th day of June and discharged its men. So far there was no violation of law by any one.

The men had the right to demand what wages they saw fit, and to refuse to go to work unless their demand was satisfied.

The company had the right to decline to employ the men upon the terms offered by them, and to employ others in their stead upon such terms as could be agreed upon. This arises from the fact that the relation of employer and employee is one of contract merely. Neither party has the right to coerce the other into the making of a contract to which his mind does not assent. The employer cannot compel his employee to work a

day longer than he sees fit, or his contract calls for, nor for a wage that is unsatisfactory to him. It follows that the employee cannot compel his employer to give him work, or enter into a contract of hiring. Much less can he dictate the terms of employment.

When the negotiations between the parties came to an end all contract relations between them ceased. The men had no further legal demands upon the company, and they had no more interest in or claims upon its property than has a domestic servant upon the household goods of his employer when discharged by the latter, or when he voluntarily leaves his service. Nor does it make any difference that a large number were discharged at one time. Their aggregate rights rise no higher than their rights as individuals.

The mutual right of the parties to contract in regard to wages, and the character of the employment, whether by the piece or by the day, whether for ten hours or less, is as fixed and clear as any other right which we enjoy under the Constitution and laws of the State. It is a right which belongs to every citizen, laborer or capitalist, and it is the plain duty of the State to protect him in the enjoyment of it.

As before observed, but a small portion of the men were affected by the proposed readjustment of wages. The larger portion of them, who were members of what is known as "the Amalgamated Association of Iron and Steel Workers," were not affected at all, nor were the large force of employees, some 3,000 in number, who were not members of said association.

Upon the failure to arrive at an adjustment of the wage difficulty, the company proposed to operate its works by the employment of other men not members of

the Amalgamated Association. It had the right to do this under the law of Pennsylvania. This right was resisted, and the fact of its resistance and the manner of it are now a part of the history of the State. It is a chapter which every good citizen would gladly see obliterated.

It is a part of the history of these events that the lodges composing the Amalgamated Association proceeded to organize what has been widely known as the "Advisory Committee"; that this committee organized by the appointment of a chairman, and proceeded at once to take charge of affairs at Homestead; that among its first acts was to order the mechanics, laborers and other employees of the works, amounting to about 3,000, whose wages were not affected by the proposed change, and who had entered into a new agreement with the company, upon the terms of their old contract, to break their contracts and to refuse to work until the Amalgamated Association was recognized and its terms agreed to.

Up to this point there had been no breach of the peace. The men had the right to refuse the work and to persuade their friends to refuse also. The law has no quarrel with labor associations so long as they act peaceably and respect the rights of others. On the contrary, while they keep within the law, they have the sympathy of all good citizens in every honest, manly effort to improve their condition. But the State of Pennsylvania will not permit these, or any other organizations, to trample upon the law and deny the rights of other laborers, not members of such associations.

It is alleged that the Advisory Committee did more than induce others not to accept employment from the

company; that it allowed no persons to enter the mills of the Carnegie Steel Company, and even permitted no strangers to enter the town of Homestead without its consent; that it arranged and perfected an organization of a military character, consisting of three divisions, with commanders, captains, etc.; the captains to report to the division commanders, and the latter to report to the Advisory Committee; that a girdle of pickets was established by which the works and the town were guarded like a military encampment; that these pickets arrested every man who attempted to approach either the town or the works until he could give an account of himself which was satisfactory to the Advisory Committee; that all discussion of the wage question was positively prohibited; that all these and many other things were done to deprive the company of the use of its property, and to prevent it from operating its works by the aid of men who were not members of the Amalgamated Association.

It was in this state of affairs that the company, apprehending injury to its property and its possible destruction, applied to the High Sheriff of Allegheny County for protection. The officer made an effort to secure 100 deputies to go to Homestead on the afternoon of July 5th. He succeeded in getting about a dozen, who, under the charge of a deputy sheriff, attempted to enter the works of the company in order to protect them. They were driven off with threats and the authority of the sheriff defied. On the morning of July 6th the company attempted to place 300 watchmen into the works. The men were selected by the aid of the Pinkerton agency and were in charge of a deputy sheriff. Their business and their only business was to

protect property of their employers. The landing of these men on the grounds of the company was resisted by a large crowd of men, many of whom were armed. Guns, pistols and cannon were discharged at the watchmen, and the fire was returned by a portion of the latter. An attempt was made to destroy them by the rioters by the use of dynamite and burning oil. Finally, after a number had been killed and wounded on each side, the watchmen surrendered to the Advisory Committee, at that time the only authority permitted to be exercised at Homestead. Their treatment after their surrender has few chapters to equal it in savage warfare, notwithstanding the humane efforts of a portion of the committee to prevent it.

This outbreak was so serious in its character that the Governor of the State, and commander-in-chief of its army, acting in the strict line of his duty and after a call for aid from the High Sheriff of Allegheny County, ordered out the entire National Guard of the State for its suppression. Since then we have had for many weeks the humiliating spectacle of a business plant surrounded by the army of the State for its protection at an expense of several hundred thousand dollars to the taxpayers and the business of the country disturbed to some extent. And for what?

We can have some sympathy with a mob driven to desperation by hunger, as in the days of the French Revolution, but we can have none for men receiving steady employment at exceptionally high wages in resisting the law and in resorting to violence and bloodshed in the assertion of imaginary rights, and in entailing such a vast expense upon the taxpayers of the Commonwealth. It was not a cry of "bread or blood" from

famished lips or an ebullition of angry passions from a sudden outrage or provocation. It was a deliberate attempt from men without a grievance to wrest from others their lawfully acquired property and to control them in their use and enjoyment of it.

The existence of such a state of things in a government of law indicates a weak spot somewhere. It is not in the law itself. That is sufficient for the preservation of order. All that is needed is its proper enforcement. To accomplish this it is only necessary that every one connected with its administration shall do his duty. This duty is as solemn and imperative with the juror in the box as with the judge upon the bench. And I am glad to be able to say, as the result of my experience in the criminal courts, that I have seldom known a jury to falter in the performance of a duty when that duty has been clearly and fairly presented to them. If jurors fail in this respect the courts can accomplish nothing, and the result is anarchy.

It is much to be feared that there is a diseased state of public opinion growing up in regard to disturbances of this nature, and that a confused, if not erroneous, view of the law bearing upon these questions has found a lodgment in the public mind. This is evidenced by the comments of a portion of the press, and in the utterance of demagogues who pander to the mob, and of politicians who hunger for votes. It finds expression in sympathy for men, who, without a recognized grievance, trample upon the law, and the rights of others, yet have no sympathy for the outraged law, or the laborer who is beaten and sometimes murdered in his efforts to seek honest employment for the support of his family.

The growth of this sentiment may have been promoted to some extent by the addition of large numbers of foreigners to our laboring population. Many of them are densely ignorant as well as brutal in their dispositions. They have false ideas in regard to the kind of liberty we enjoy in this country. It is needed that all such persons should be taught the lesson that our liberty is the liberty of law and not the liberty of license.

The present occasion requires me to define the law. I will endeavor to do it so clearly and fully that there shall be hereafter no excuse for misunderstanding it. To some extent it has been already foreshadowed.

When the company shut down its works and discharged its men, it was acting strictly within the line of the law. It could not compel the men to work, nor could the men compel the company to employ them. No arrangement could be made in this regard except in the nature of a contract agreed upon by the parties. Upon this subject their rights were mutual.

The company had the undoubted right to protect its property. For this purpose it could lawfully employ as many men as it saw proper, and arm them, if necessary. Many of our banks and other places of business are guarded by armed watchmen. The law did not require it to employ as watchmen the men from whom it anticipated the destruction of its works. When a man seeks to protect his house from burglars it would be unreasonable to require him to place the burglars in possession for that purpose. So long as the men employed by the company as watchmen to guard and protect its property acted only in that capacity, and for that purpose, it mattered not to the rioters, nor to

the public, who they were nor from whence they came. It was an act of unlawful violence to prevent their landing upon the property of the company. That unlawful violence amounted at least to a riot on the part of all concerned in it. If life was taken in pursuance of a purpose to resist the landing of the men by violence, the offense was murder, and perhaps treason. I will speak of treason later on.

The rights of the men, as before stated, were to refuse to work unless their terms were acceded to, and to persuade others to join them in such refusal. But it will sustain them no further. The moment they attempted to control the works, and to prevent by violence, or threats of violence, other laborers from going to work there, they placed themselves outside the pale of the law, and became rioters. It cannot be tolerated for a moment that one laborer shall say to another laborer, "You shall not work for this man or that wage without my consent," and thus enforce such command by brutal violence upon his person. And what will not be permitted to one man to do will not be permitted to an organization of men.

It is the duty of the State to protect every citizen within her borders. In this there is no distinction between the laborer and the capitalist. It protects each with equal impartiality. When the State fails to do this it fails in its duty as sovereign. And it will protect with a firm hand the individual laborer from the tyranny and unlawful demands of organized labor. The law should be so enforced from the Delaware to the Ohio, that the humblest laborer can work for whom he pleases and at what wage he sees fit, undeterred

by the bludgeon of the rioter or the pistol of the assassin.

If we were to concede the agrarian doctrine that the employee may lawfully dictate to his employer the terms of his employment, and upon the refusal of the latter to accede to them, take possession of his property, and drive others away who are willing to work, we would have anarchy. No business could be conducted upon such a principle. The doctrine, when once countenanced, will be extended to every industry. Some of you, gentlemen of the grand jury, may be farmers. I am one myself, and take an honest pride in it. Suppose, when your crops are ready to be gathered, your men, with or without cause, refuse to work, and not only refuse to work, but also take possession of your farm, and by violence and threats prevent all others from doing so, unless you accede to demands which you regard as unreasonable. In the meantime your crops perish and you lose the fruits of your year's toil. Under such circumstances you would not like to be told from this bench that you have no right to protect your property, or to employ men as watchmen for that purpose. There is no such law.

I have made these preliminary remarks, in order that you may the better understand the offense of treason to which I now come. It is defined by the first section of the Act of 31st March, 1860, P. L. 385, as follows :

"If any person owing allegiance to the Commonwealth of Pennsylvania shall levy war against the same, or shall adhere to the enemies thereof, giving them aid and comfort, within the State or elsewhere, and shall be thereof convicted, on confession in open court, or on the testimony of two witnesses to the same overt act of

the treason whereof he shall stand indicted, such person shall, on conviction, be adjudged guilty of treason against the Commonwealth, and be sentenced to pay a fine not exceeding \$2,000 and undergo an imprisonment by separate and solitary confinement at labor, not exceeding twelve years."

I am glad to be able to say that the law-abiding character of our people has been such that heretofore no one has been prosecuted under this Act since its passage in 1860.

It is also proper to say, so far as the State is concerned, that this prosecution has not been commenced from any vindictive feeling, or from any disposition to multiply offenses, or to inflict any unnecessarily severe punishments. Its object is merely to vindicate the law. It is only the maximum punishment that is fixed by the statute. The Court possesses the power to fix it at any point within it.

You will also observe that the offense charged is treason against this State and not against the United States. It is a matter with which the latter has nothing to do, and over which its courts have no jurisdiction.

A mere mob, collected upon the impulse of the moment, without any definite object beyond the gratification of its sudden passions, does not commit treason, although it destroys property and takes human life.

But when a large number of men arm and organize themselves by divisions and companies, appoint officers, and engage in a common purpose to defy the law; to resist its officers, and to deprive any portion of their fellow-citizens of the rights to which they are entitled

under the Constitution and laws, it is a levying of war against the State ; and the offense is treason.

Much more so when the functions of the State government are usurped in a particular locality ; the process of the Commonwealth, and the lawful acts of its officers resisted, and unlawful arrests made at the dictation of a body of men who have assumed the functions of the government in that locality.

And it is a state of war when a business plant has to be surrounded by the army of the State for weeks to protect it from unlawful violence at the hands of men formerly employed in it

Where a body of men have organized for a treasonable purpose, every step which any one of them takes, in part execution of their common purpose, is an overt act of treason in levying war.

Every member of such usurped government, whether it be an Advisory Committee, or by whatever name called, who has participated in such usurpation ; who has joined in a common purpose of resistance to the law and the denial of the rights of other citizens, has committed treason against the State.

While the gravamen of this offense is the design of overturning the government of the State, such intention need not extend to every portion of its territory. It is sufficient if it be to overturn it in a particular locality. And such intent may be inferred from the acts committed.

If they be such that the authority of the State is overturned in a particular locality, and an usurped authority substituted in its place, the parties doing so must be presumed to have intended to do what they have actually done.

It is a maxim of the criminal law that a man must be presumed to have intended that which is the natural and probable consequences of his act. Thus, if a man assaults another with a deadly weapon, and aims a blow at a vital part, the law presumes he intended to take life.

Aliens domiciled within the State and who enjoy its protection, owe temporary allegiance to it, and are amenable for treason.

There are no accessories in treason, all are principals.

It will be your duty to examine all the witnesses whose names appear on the back of the bills of indictment, or who shall be sent before you by the district attorney. It is not your business to try the accused parties; all you have to do is to ascertain from the evidence whether a *prima facie* case has been made out sufficient to send the defendants to a trial before a petit jury.

If you find from the evidence that the defendants have, or any of them has, committed, participated or aided in any of the acts which I have defined to you as constituting the offense of treason, it will be your sworn duty to find a true bill against the party or parties so offending.

We have reached a point in the history of the State where there are but two roads left to us to pursue. The one leads to order and good government, the other leads to anarchy.

The one great question which now confronts the people of this country is the enforcement of the law and the preservation of order."

